

Vol. III



E. MERTON COULTER

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E. MERTON COULTER

A COMPILATION

OF THE

Laws

OF THE

STATE OF GEORGIA,

PASSED BY THE LEGISLATURE

SINCE THE YEAR 1810 TO THE YEAR 1819, INCLUSIVE.

COMPRISING

ALL THE LAWS PASSED WITHIN THOSE PERIODS, ARRANGED UNDER APPROPRIATE HEADS, WITH NOTES OF
REFERENCE TO THOSE LAWS, OR PARTS OF LAWS, WHICH ARE AMENDED OR REPEALED.

TO WHICH ARE ADDED,

SUCH CONCURRED AND APPROVED

RESOLUTIONS,

AS ARE EITHER OF GENERAL, LOCAL, OR PRIVATE MOMENT.

CONCLUDING WITH

A COPIOUS INDEX TO THE LAWS,

AND

A SEPARATE ONE TO THE RESOLUTIONS.

By LUCIUS Q. C. LAMAR, Esq.

AUGUSTA:

PUBLISHED BY T. S. HANNON.

1821.

E. MERTON COULTER

WILLIAM BROWN, PRINTER. }
Philadelphia. }

EXECUTIVE DEPARTMENT, GEORGIA, }
MILLEDGEVILLE, 22d FEBRUARY, 1821. }

WHEREAS, by an act passed the 12th day of December, 1809, entitled "An act to compile and arrange the Laws and Resolutions of this state, passed since the political year 1800," it is enacted and declared, "That during the year 1810 the Laws of this state, passed since the political year 1800, and concurred and approved Resolutions, except such as relate to elections by the General Assembly, and every tenth year thereafter, shall be compiled, arranged and printed." And by the same act it is further enacted and declared, "That the Legislature shall, by joint ballot of both branches, appoint some fit and proper person to compile and arrange the Laws of this state, in pursuance of this act, and report the same to his excellency the Governor, who shall approve or disapprove of the same."

And whereas, **LUCIUS Q. C. LAMAR**, Esquire, was, by joint ballot of both branches of the Legislature, in conformity with the before in part recited act, elected, on the 16th December, 1819, to compile and arrange the Laws of this state, passed since the last compilation to the year 1819, inclusive, in pursuance of the aforesaid act.

And whereas, the said **LUCIUS Q. C. LAMAR**, Esquire, hath presented to me a compilation of the Laws and Resolutions of this state, made in conformity to the said act; which compilation was, by an order of this department, of the 24th of January last, submitted to the inspection and examination of **Simon Whitaker**, **James Camak**, **William Y. Hansell** and **James Bozeman**, Esquires, who have reported thereon as follows, viz :

"We have, under your order and appointment, of the 24th of last month, proceeded to the examination and correction of a compilation, by **Lucius Q. C. Lamar**, Esquire, of all the Laws of this state, from the year 1810 to the year 1819 inclusive, and such resolutions as were presented by the compiler, and which we think are all that are of such a general nature as entitle them to a place in a work of this kind, with the enrolled Laws and Resolutions, under the great seal in the

office of the secretary of the state ; and have now the honour herewith to return the said compilation as a true copy of the said laws and resolutions.

“The marginal notes, and an index to the whole, we have taken as presented by the compiler, as we have found so much correctness in the work, that we have deemed it unnecessary to pursue the examination in those parts of it where we consider his capacity alone sufficient to warrant their correctness.

“We cannot take leave of the subject without doing the compiler the justice to say, that the whole of the work is admirably arranged, and well executed.”

NOW BE IT KNOWN, to all whom it may concern, that I, JOHN CLARK, Governor of the state of Georgia, do, in conformity with the aforesaid Report, and in obedience to the aforementioned act, hereby approve of the aforesaid compilation of the Laws and Resolutions of this state.

JOHN CLARK.

PREFACE.

IN this volume are comprised all the laws passed by the legislature since the year 1810 to the year 1819, inclusive, arranged under separate titles. The laws under each title are placed in the order of time in which they were enacted; and the year of their passage, together with the title, is expressed at the top of each page. The acts are all numbered, and to those which are amended or repealed, notes are added, referring to the amendatory or repealing law, by its number, and the year of its passage.

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L A W S
OF THE
STATE OF GEORGIA.

ACADEMIES.

AN ACT

1811.

No. 1.

*To make valid certain papers now in the possession of the Trustees of *Union Academy, in the County of Putnam.*

WHEREAS, the Trustees of Union Academy have in their possession certain papers, Preamble.
which they suppose to be, and did have executed for, mortgages, but on mature examination found that those mortgages had no seal affixed or subscribed thereto, which mortgages were given to secure the payment of certain debts due said academy, and in consequence of which, said academy will be seriously injured, unless a law be passed for relief of the said trustees of the academy aforesaid :

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That all such instruments as above described, shall be held, deemed, and taken as valid and binding in law, and altogether adequate to the attainment of the end proposed ; any law, usage, custom or practice to the contrary, notwithstanding.

Certain mortgages taken by the trustees of Union Academy, in Putnam county, legalized.

ROBERT IVERSON,
Speaker of the House of Representatives.
MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 4th December, 1811.

D. B. MITCHELL, *Governor.*

* See act of 1816, No. 10 ; by the 6th section of which all the property, funds, &c. of Union Academy, are transferred to the use of Eatonton Academy.

No. 2.

AN ACT

Granting to the Commissioners of the Sunbury Academy, for the use of that Seminary, 166 $\frac{2}{3}$ acres of land.

BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That one third of a tract of land adjoining Sunbury, and known by the name of the Distillery tract, confiscated as the estate of Roger Kellsall, and now the property of the State, be, and the same is hereby given, granted and conveyed to the commissioners of the Sunbury Academy, for the sole use and benefit of that institution.

One third of a certain tract of land, granted to the commissioners of Sunbury Academy.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 4th December, 1811.

D. B. MITCHELL, *Governor.*

No. 3.

AN ACT*

To authorize the Commissioners of the Town and Academy of Waynesborough, in Burke County, to dispose of certain lands belonging to said institution, adjoining the town commons.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the commissioners of the Academy of Waynesborough, in the county of Burke, or their successors in office, or a majority of them, are hereby fully authorized and empowered to sell, or otherwise dispose of, to, and for the use and benefit of said academy, two hundred acres of the lands adjoining the said town; and the said commissioners, in the sales or other disposition of

The commissioners of the Academy of Waynesborough authorized to sell a tract of land for the use thereof.

* See the act following this, authorizing the sale of other lands for the use of said academy.

the said lands, shall do the same on the most effectual security, and on such terms and conditions, as may be most conducive to the interest and prosperity of the aforesaid institution.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, *Governor.*

AN ACT

No. 4.

To authorize the Inferior Court of the County of Burke, to sell the Glebe land of the said county, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Inferior Court of the county of Burke be, and they are hereby authorized and empowered to sell and dispose of the Glebe lands of the said county, for the benefit of the Waynesborough Academy, upon such terms as, in the opinion of the Inferior Court, will best promote the interest of the said academy;—and the money arising from the said sale, to be by the said Inferior Court, paid over to the trustees or commissioners of said academy.

Inferior Court of Burke county authorized to dispose of the Glebe lands of said county, for the benefit of Waynesborough Academy.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the commissioners or trustees of the Waynesborough Academy be, and they are hereby authorized to sell and dispose of a tract of land in Camden county, containing four hundred acres, conveyed to the said commissioners by the commissioners of confiscated property, and the money arising from said sale, to be applied to the use of said academy.

Money to be paid to the trustees. Said trustees authorized to sell a certain tract of land in Camden county.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, *Governor.*

No. 5.

AN ACT

To incorporate an Academy in the Village of Powelton in Hancock county.

Preamble.

WHEREAS, the citizens of Powelton and its vicinity have, by voluntary subscriptions and contributions, established a fund for the purpose of erecting and supporting an academy, for the education of youth of both sexes :

Trustees of
Powelton
Academy no-
minated and
incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That William Rabun, Nicholas Childers, Thomas Cooper, Sampson Duggar, Archibald R. S. Hunter, James Crowder, Reuben T. Battle, John Veazy, and Stephen Weston be, and they are hereby appointed trustees of the academy to be established in the village of Powelton, and they and their successors in office shall be, and they are hereby declared to be, a body corporate, by the name and style of the Trustees of the Powelton Academy in Hancock county.*

Their powers
and privi-
leges.

SECT. 2. *And be it further enacted by the authority aforesaid, That the trustees aforesaid, and their successors in office, or a majority of them, are hereby authorized to make such bye-laws, rules and regulations, as they may deem necessary and proper for the government of said institution: Provided, such bye-laws are not repugnant to the constitutional laws; and they shall be invested with all manner of property, both real and personal, all donations, gifts, grants, privileges, and immunities, which may belong to, or be hereafter made or conveyed to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said academy, subject to such alterations or amendments as a majority of said trustees may from time to time ordain and establish.*

Proviso.

May sue and
be sued, &c.

SECT. 3. *And be it further enacted by the authority aforesaid, That the trustees above mentioned and their successors in office, shall be, and they are hereby made capable of suing and being sued, impleading and being impleaded, and of using all necessary and lawful measures for recovering or defending any property, debts or demands, which they may claim in behalf of said institution, and also of recovering the rents, issues, and profits of the same, or any part thereof.*

Their continu-
ance in office.

SECT. 4. *And be it further enacted by the authority aforesaid, That the trustees herein named shall continue in office, until the third Saturday in July next, and until their suc-*

cessors are elected, at which time the subscribers to said institution shall meet and elect trustees, agreeable to the articles of association formed and entered into by them at the first commencement of said institution.

Time and manner of electing trustees.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 23d November, 1815:

D. B. MITCHELL, *Governor.*

AN ACT*

No. 6.

To authorize the Trustees of the Richmond Academy to establish a Seminary of Learning on the Sand-Hills near Augusta, to be held and considered as a branch of the Richmond Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the trustees of the Richmond Academy, or a majority of them, to establish a seminary of learning on the Sand-Hills near Augusta, to be held and considered as a branch of the Richmond Academy, and to be governed by such rules and regulations as govern the said institution.*

A branch of the Richmond Academy may be established at the Sand-Hills.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, *Governor.*

* See act of 1816, No. 14, authorizing said trustees to lay off and sell a range of lots in Augusta, &c.—also act of 1817, No. 15, confirming said sales and authorizing others, &c.—also act of 1819, No. 28, authorizing the trustees of said academy to use a common seal.

No. 7.

AN ACT

To establish an Academy in the town of Monticello, by the name of the Monticello Academy in Jasper County.

Trustees of
Monticello
Academy no-
minated and
incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That Peter W. Gautier, John Moore, Milton Antony, Charles Cargill, Spencer Crane, and Luris C. Holland are appointed, and they and their successors in office shall be, and they are hereby declared to be, a body corporate, by the name and title of the Monticello Academy in Jasper county, with the privilege of having and using a common seal.*

May make
bye-laws, &c.
and be invest-
ed with pro-
perty.

SECT. 2. *And be it further enacted by the authority aforesaid, That the aforesaid trustees and their successors in office, or a majority of them, are hereby authorized to make such bye-laws and regulations as are or may be necessary for the government of said academy; and they shall be invested with all manner of property, both real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution by virtue of this act, or any heretofore made, conveyed or transferred to them or their successors in office, to have and to hold the same for the proper benefit and behoof of said academy: Provided, such bye-laws and regulations aforesaid, be not repugnant to the constitution and laws of this state, or of the United States.*

Proviso.

May sue and
be sued, &c.

SECT. 3. *And be it further enacted by the authority aforesaid, That the trustees aforesaid and their successors in office, shall be, and they are hereby declared to be, able and capable in law to sue and be sued, plead and be impleaded, in any court of law or equity in this state, and of using all lawful and necessary means for recovering or defending any property, debt, or demand, which they claim or demand in right of said institution; and also of recovering the rents, issues and profits of the same, or any part or parcel thereof.*

Vacancies,
how filled.

SECT. 4. *And be it further enacted by the authority aforesaid, That should any vacancy happen by death, removal, or resignation of any of the trustees of the Monticello Academy hereby established, it shall be filled in such a manner as a majority of the survivors shall point out, in their regulations, at their first meeting after the passing of this act, or at any time thereafter: Provided the same shall not exceed three months.*

A treasurer
may be ap-
pointed, who

SECT. 5. *And be it further enacted by the authority aforesaid, That the said trustees shall have power, whenever they deem it necessary, to appoint a treasurer, who shall*

give bond with approved security, payable to the Governor or his successors in office, shall give bond and security. in the sum of five thousand dollars, for the faithful performance of the duties of said office.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, *Governor.*

AN ACT*

No. 8.

To incorporate the Commissioners of the Morgan Academy, by the name and style of the Trustees of Madison Academy.

WHEREAS, it comports with the true genius and spirit of our happy form of government to encourage all institutions tending to the diffusion of useful knowledge among our citizens: Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the Morgan County Academy shall be known and called the Madison Academy; and that Adam G. Saffold, Bedney Franklin, John Wingfield, Warren Jordan, and James Mitchell, and their successors in office, be, and they are hereby declared to be, a body politic and corporate, by the name and style of the Trustees of the Madison Academy, and as such body politic shall be capable of suing and being sued, and shall be capable of doing all other acts which may be necessary to the execution of the trust confided to them; and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same for any malfeasance or neglect of duty. Trustees of Madison Academy nominated and incorporated.

SECT. 2. *And be it further enacted,* That the said trustees shall be capable of accepting all bequests, gifts and donations which have been or may be hereafter bestowed upon them, and shall hold the same according to the trusts and conditions contained in such donation or bequest. Capable of accepting bequests, &c.

* See act of 1819, No. 29, appropriating the fines and forfeitures arising from criminal prosecutions in Morgan, Greene, and Wilkes, to the use of the academies thereof.

Vacancies,
how filled.

SECT. 3. *And be it further enacted*, That all vacancies which may happen in the board of trustees shall be filled by the General Assembly of this state, and it shall be the duty of the said board, yearly and every year, to lay a correct account of their receipts and expenditures of the preceding year, before the grand jury of Morgan county :

Proviso.

Provided nevertheless, That nothing herein contained shall be construed to impair the powers of the board of trustees of the University of Georgia, or of the Senatus Academicus, or of the board of visitors, granted them by the several acts regulating the University of Georgia.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL *Governor.*

No. 9.

AN ACT

To appoint Trustees for Twiggs County Academy, and to incorporate the same, and for other purposes.

Preamble.

WHEREAS, by the promotion of literary information, it is believed that the public is benefitted, and as it comports with the genius of our government to promote and encourage all literary institutions, and as some private subscriptions have been raised by the citizens of Twiggs county for the purpose of effecting the foregoing object :

Trustees of
Marion Aca-
demy nomina-
ted and incor-
porated.

Their cor-
porate pow-
ers.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That Archibald M^cIntyre, Moses Fort, Samuel Dick, Dr. Robert Cummins, and William Crocker, and their successors in office, be and are hereby appointed trustees of the academy of Twiggs county, to be known by the name and style of the Marion Academy, and the said trustees be a body politic and corporate, by the name and style of the Trustees of the Marion Academy, and as such shall be capable of suing and being sued, and shall be capable of doing all other acts, that shall or may be necessary to the executing the trusts reposed in them, or a majority of them, and for that purpose may have and use a common seal, and the same alter at pleasure, and appoint such officers as they may think proper, for the purpose of carrying into effect the object of said institution, and remove the same, or any of them, for malpractice or neglect of duty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said trustees, or a majority of them, shall be capable of accepting all bequests, gifts and donations, which have been or may be hereafter bestowed upon them as trustees; and shall hold the same according to the trusts and conditions contained in such donation or bequest, and collect the same, either by suit or otherwise.

Capable of accepting bequests, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said trustees, or their agent or agents, shall be, and are hereby authorized, to receive any donation or donations which have been made, or hereafter may be made, by the Legislature of this state, for the use of said academy, or to purchase, at any sale or sales of confiscated property of this state, the amount of one thousand pounds sterling, for said county, and for the use of said academy; and the commissioners for the selling of confiscated property are hereby authorized to receive their bids to the above amount, or for any other sum not exceeding said amount, and to make sufficient titles to them or their successors in office for the same.

And receiving donations.

May purchase £1000 worth of confiscated property at any sale thereof.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all vacancies* which may happen in the board of trustees, shall be filled by the General Assembly of this state, and it shall be the duty of said board, annually to account with the inferior court of said county for the receipts and expenditures of said institution, whose duty it shall be to have a record made of the same: *Provided nevertheless,* that nothing herein contained shall be construed to impair the powers of the board of trustees of the University of Georgia, or of the Senatus Academicus, or of the board of visitors, granted them by the several acts regulating the University of Georgia.

Vacancies, how filled.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all laws, resolutions and acts, or parts thereof, militating against this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, *Governor.*

* See act of 1818, No. 21, authorizing the trustees to fill vacancies in their board.

No. 10.

AN ACT*

To incorporate Eatonton Academy, in the County of Putnam, and to invest the funds of Union Academy, in said County, in the Trustees of Eatonton Academy.

Trustees of Eatonton Academy nominated and incorporated.
Their style.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Christopher B. Strong, Thomas Hoxey, Coleman Pendleton, William Williams, John J. Smith, John C. Mason, Irby Hudson, William Wilkins, and William E. Adams, be, and they are hereby appointed trustees of an academy to be established in the town of Eatonton, and they and their successors in office shall be, and they are hereby declared to be, a body corporate, by the name and style of "The Trustees of Eatonton Academy," in the county of Putnam, with the privilege of having and using a common seal.

May make bye-laws, &c.
Proviso.
May have property.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the trustees aforesaid, and their successors in office, or a majority of them, are hereby authorized to make such bye-laws, rules and regulations as they may deem necessary and proper for the government and benefit of said institution: *Provided* such bye-laws are not repugnant to the constitution and laws of this state; and they shall be invested with all manner of property, both real and personal, all donations, gifts, grants, privileges and immunities, which may belong to, or be hereafter made, conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said academy, subject to such alterations or amendments as a majority of said trustees may from time to time ordain and establish.

May sue and be sued, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the trustees above mentioned, and their successors in office, shall be, and they are hereby made capable of suing and being sued, impleading and being impleaded, and of using all necessary and lawful measures, for recovering or defending any property, debts, or demands, which they may claim in behalf of said institution, and also of recovering the rents, issues and profits of the same, or any part thereof.

Vacancies, how filled.

SECT. 4. *And be it further enacted by the authority aforesaid,* That should any vacancy happen by the death or resignation of any of the trustees of Eatonton Academy here-

* See act of 1818, No. 531, incorporating "Eatonton Academy Library Society."

by authorized and established, such vacancy shall be filled, in such manner as a majority of the survivors shall in their regulations point out.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said trustees, or a majority of them, shall have power to elect such officers as they may think proper, and remove the same for any malfeasance or neglect of duty, and the said trustees shall, once in every year, lay before the grand jury of Putnam county a full and correct account of the funds of said academy.

Trustees may elect officers.

Shall annually lay an account of their funds before the grand jury.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all the property, both real and personal, all debts or demands whatsoever, and all monies that now are belonging, or in anywise appertaining to the trust of Union Academy, in the county of Putnam, be, and the same are hereby invested, transferred and confirmed to the trust, use and benefit of Eatonton Academy.

The property &c. of Union Academy transferred to the use of Eatonton Academy.

SECT. 7. *And be it further enacted by the authority aforesaid,* That immediately after the passing of this act, the trustees of Union Academy, with their treasurer, shall make out a full and fair schedule of all the funds and property of every description, belonging to their trust, and shall turn the same over, together with such schedule, to the trustees of Eatonton Academy, who shall give a receipt for the same: *Provided nevertheless,* that this act of incorporation shall be subject to any revision or alteration that any future legislature of this state may think proper to make.

Said transfer regulated.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid,* That an act passed the fifteenth day of December, eighteen hundred and nine, to establish an academy in the town of Eatonton, and county of Putnam, by the name of Union Academy, and to incorporate the same, be and the same is hereby repealed, so far as the same may militate against the provisions of this act.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, *Governor.*

No. 11.

AN ACT*

To authorize the Commissioners of the Academy of Washington County, to dispose of a certain lot in the town of Sandersville.

Commissioners of Washington County Academy authorized to dispose of a certain lot in Sandersville, for the benefit of said institution.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same. That the commissioners of the Academy of Washington County, their successors in office, or a majority of them, are hereby fully empowered to sell or otherwise dispose of, to and for the use of said academy, a certain lot in the town of Sandersville, heretofore conveyed to the said commissioners by William Triplett, for the use and benefit of said seminary, and the said commissioners, in the sale or other disposition of said lot, shall do the same on such terms and conditions as may be most conducive to the interest and prosperity of said institution.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, *Governor.*

No. 12.

AN ACT

To incorporate the Trustees of Warrenton Academy in, the County of Warren.

Trustees of Warrenton Academy nominated and incorporated.

Their style.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Lowther, Peyton Baker, Arthur Montcrief, Edward Donoho, Rufus Broom, Archelaus Flewellen, Turner Persons, George W. Hardwick, and Dennis L. Ryan, be, and they are hereby appointed trustees of an academy, to be setablished in the town of Warrenton, and they and their successors in office shall be, and they are hereby declared to be, a body corporate, by the name and style of "The Trustees of Warrenton Academy," with the privilege of having and using a common seal.

May make bye-laws, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the trustees aforesaid, and their successors in office, or a majority of them, are hereby authorized to make such bye-laws, rules and regulations, as they may deem necessary and proper for the

* See act of 1819, No. 24, appointing and incorporating commissioners of said academy.

government and benefit of said institution: *Provided*, such bye-laws, rules and regulations are not repugnant to the constitution and laws of this state; and they shall be invested with all manner of property, both real and personal, all donations, gifts, grants, privileges and immunities which may belong to, or be hereafter made, conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of said academy, subject to such alterations or amendments as a majority of said trustees may from time to time ordain and establish.

Proviso.

May hold property, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the trustees above mentioned, and their successors in office, shall be, and they are hereby made capable of suing and being sued, pleading and being impleaded, and of using all necessary and lawful measures for recovering or defending any property, debts, or demands which they may claim in behalf of said institution, and also of recovering the rents, issues and profits of the same, or any part thereof.

May sue and be sued.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the trustees herein named shall continue in office until the first Tuesday in July next, and until their successors are elected, at which time, and on the first Tuesday in July in every second year thereafter, the subscribers to said institution shall meet and elect nine persons as trustees for said institution, and the persons having a majority of the votes of the subscribers then present shall be the trustees as aforesaid; and should any vacancy happen by death, resignation or otherwise, of any of the trustees of Warrenton Academy, hereby authorized and established, such vacancy shall be filled by a majority of the trustees then in office.

Their continuance in office.

Trustees how and when elected.

Vacancies, how filled.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said trustees, or a majority of them, shall have power to elect such officers as they may think proper, and remove the same for any malfeasance or neglect of duty.

Trustees may elect and remove officers.

SECT. 6. *And be it further enacted by the authority aforesaid*, That this act of incorporation shall be subject to any revision or alteration that any future legislature of this state may think proper to make.

This act subject to revision, &c. by any future legislature.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, *Governor.*

No. 13.

AN ACT

To authorize the Commissioners of Baldwin County Academy to sell and convey six lots in the town of Milledgeville, for the benefit of said Academy.

Commissioners of Baldwin Academy authorized to sell six lots in Milledgeville for the benefit of said institution.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the commissioners of the Baldwin Academy, or their successors in office, to sell, dispose of and convey, (after giving sixty days notice,) six one acre lots in the town of Milledgeville, out of the number of those not heretofore disposed of, for the benefit of the academy aforesaid.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, *Governor.*

No. 14.

AN ACT*

To authorize the Trustees of Richmond Academy, or their successors in office, to lay off a range of Lots, on Walker street in the city of Augusta, and to sell, dispose of and convey the same, and to appropriate the money arising from the sale of said lots.

Trustees of Richmond Academy authorized to lay off and sell a range of lots in Augusta.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the trustees of the Richmond Academy, or their successors in office, and the said trustees shall be, and they are hereby authorized to lay off a range of lots, of any size they may deem expedient, on the south side of Walker street, in the city of Augusta, along the whole extent of said street, and the same to sell and convey, under such terms as to them shall seem most conducive to the welfare of said city, and the benefit of the said Richmond Academy.*

* See the act following this.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said trustees of Richmond Academy shall be, and they are hereby authorized and empowered to lay off into lots, of any size or dimension they may think proper, all that unimproved ground lying between Telfair and Walker streets, in the said city of Augusta, which has not heretofore been disposed of; and the same to sell and convey, or dispose of, under such terms and restrictions as to them shall seem most conducive to the welfare and improvement of the said city of Augusta.

Empowered to lay off into lots, all the unimproved ground lying between Telfair and Walker streets.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the trustees of the Richmond Academy be, and they are hereby authorized, after the expiration of the present leases of the town common of Augusta, to lay off a street on the south of the range of lots authorized to be laid off by the first section of this act, of the width of one hundred feet, (or such other width as the said trustees shall think proper,) which street shall run parallel with Walker street, and of the same length, which shall be called and known by the name Watkins street.

Authorized to lay off a street in Augusta to be called Watkins street.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the monies arising from sales authorized by this act, shall be, and the same are hereby declared to be, a part of the funds of the said Richmond Academy, and to be appropriated in such manner as the trustees of the said academy, or their successors in office, shall deem most conducive to the welfare of said institution.

Monies arising from said sales, to become part of the funds of said academy.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all acts and parts of acts, militating against this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN.
President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, *Governor.*

No. 15.

AN ACT

To confirm the sales lately made by the Trustees of the Richmond Academy of a range of Lots, south of Walker street, in the city of Augusta, and to narrow and define the width of said Walker street, and to continue the said street eighty feet wide, and sell the remainder of the lots on said street.

Preamble.

WHEREAS, the trustees of the Richmond Academy were, by an act of the General Assembly of this state, passed on the nineteenth day of December, 1816, authorized to lay off a range of lots of any size they might deem expedient, on the south side of Walker street, along the whole extent of said street, and the same to sell and convey, under such terms as to them should seem most conducive to the welfare of said city, and the benefit of the said Richmond Academy:

And Whereas the said trustees, in laying off the said range of lots, deemed it most conducive to the welfare of the said city and of the said academy, to narrow Walker street to the width of eighty feet, and to include the surplus of said street in the lots so by them laid off, and did, on the twenty-second day of April last, expose a part of the said lots so laid off to public sale; And the said trustees having petitioned the honourable the General Assembly to confirm the sales so by them made as aforesaid:

Sales of lots in Augusta made by the trustees of Richmond Academy confirmed.
Conveyances authorized.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sales of lots south of, and including a part of Walker street, in the city of Augusta, made by the trustees of the Richmond Academy, on the twenty-second day of April, 1817, be, and the same are hereby legalized and confirmed; and the said trustees of the Richmond Academy, and their successors in office, are hereby authorized and empowered to convey the said lots to the respective purchasers, in as full and ample a manner as if there had been no part of the said street included therein.

Width of Walker street in Augusta defined.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the width of Walker street, in the said city of Augusta, shall hereafter be only eighty feet, as lately altered and arranged by the trustees of the Richmond Academy, any law to the contrary notwithstanding.

Said trustees authorized to lay off and sell certain other lots in Augusta.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the trustees of the Richmond Academy and their successors in office, be, and they hereby are authorized to lay off, sell and convey any other lots south of Walker street, upon a range with those heretofore sold, including a part of said street, so as to keep the same uniform, and of the width of eighty feet, as provided in the second section of this act.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all acts and parts of acts, repugnant to this act, be and the same are hereby repealed. Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 3d December, 1817.

WILLIAM RABUN, *Governor.*

AN ACT

No. 16.

To authorize the Trustees of the Meson Academy, in the county of Oglethorpe, to fill such vacancies as may hereafter occur in said board of Trustees.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Trustees of the Meson Academy, in the county of Oglethorpe, shall be authorized to fill such vacancy or vacancies, that may hereafter occur in said board of trustees, by the appointment of such person or persons as they may think proper, any law to the contrary notwithstanding.

Trustees of
Meson Acade-
my authoriz-
ed to fill va-
cancies in
their board.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, *Governor.*

No. 17.

AN ACT

To authorize the trustees of Elbert County Academy, to raise by lottery, a certain sum of money, to aid in building said Academy, and to appoint managers of said lottery, and make permanent the site of said Academy.

Trustees of
Elbert county
Academy au-
thorized to
raise by lotte-
ry \$3000.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted,* That the trustees of the Elbert County Academy, be, and they are hereby authorized and empowered, to raise by lottery the sum of three thousand dollars, to aid in building and establishing an academy in or near the town of Elberton, in Elbert county.

Managers of
the lottery ap-
pointed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That John A. Heard, William Woods, Edward Sims, Gains Thompson and Thomas Jones, be, and they are hereby appointed managers of said lottery, with authority to make such arrangements, and adopt such plan as they may think best calculated to attain the object of said lottery.

Drawing of
the lottery.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the aforesaid managers shall, within three years from the passage of this act, complete the drawing of said lottery, and pay over to the trustees of said academy the amount so raised by lottery, which said sum shall, by said trustees, be applied to the building and establishing an academy, to be called the Elberton Academy, in or near the town aforesaid; and that the site of said academy be in or within one mile of said town, and the same is hereby made permanent.

Money raised,
how applied.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, *Governor.*

AN ACT

No. 18.

To alter the manner of appointing the Commissioners of the Academies of Glynn and McIntosh Counties.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in future the commissioners of the Academy of the county of Glynn shall be elected by the persons entitled to vote for members of the General Assembly, and be superintended by one magistrate and two freeholders of the county, and the persons having the highest number of votes shall be duly elected; and they shall hold their appointments for the term of four years, and until their successors are appointed.

Commissioners of Glynn county Academy to be elected by the voters for members of the legislature.
Continuance in office.
Time of election.

SECT. 2. *And be it further enacted,* That the first election shall take place at the court-house of Glynn, on the first Monday in January next, and on the first Monday in January every fourth year thereafter: And in case of vacancy by death, resignation, removal from the county or otherwise, the commissioners then in office shall advertise an election to fill such vacancy, giving at least twenty days notice, which election shall be conducted in the manner pointed out in the first section of this act.

Vacancies how filled.

SECT. 3. *And be it further enacted,* That all vacancies now existing, or which may hereafter exist, in the commissioners of the Academy of McIntosh county, shall be filled by joint resolution of the General Assembly.

Vacancies among the commissioners of McIntosh Academy, how filled.

SECT. 4. *And be it further enacted,* That all laws or parts of laws, militating against this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 20th December, 1817.

WILLIAM RABUN, *Governor.*

No. 19.

AN ACT

To appoint Trustees for the Jackson County Academy, and to incorporate the same.

Trustees of
Jackson coun-
ty Academy
appointed
and incorpo-
rated.

Corporate
powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted, That Thomas Huson, Edward Adams, Dr. Willis Pope, David Witt, and Hugh Montgomery, and their successors in office, be, and they are hereby declared to be, a body politic and corporate, by the name and style of the Trustees of the Jackson County Academy, and as such body politic, shall be capable of suing and being sued, and of doing all other acts which may be necessary to the execution of the trust confided to them, and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same at pleasure.*

May accept
bequests, &c.

SECT. 2. *And be it further enacted, That the said trustees shall be capable of accepting all bequests, gifts and donations, which have been or may be hereafter bestowed upon them, and shall hold the same according to the conditions contained in said donation or bequest, and for collecting and laying out or disposing any monies or debts due, or that may become due the said institution, either for tuition or otherwise, and also to fill all vacancies that may happen in their own body.*

Vacancies.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 20th November, 1818.

WILLIAM RABUN, *Governor.*

AN ACT

No. 20.

To incorporate Sardis Academy, in Jasper County.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act, the Academy in Jasper county, now known by the name of Sardis Academy, shall be known and called by that name, and that Lawson S. Holland, James Richards, John Collier, Moses Smith, Richard M. Sisson, John Moore and Asa Ragan, and their successors in office, be, and they are hereby declared to be, a body politic and corporate, by the name and style of the Trustees of Sardis Academy, and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and shall be authorized to make such bye-laws and regulations as may be necessary for the government of said academy: *Provided*, such bye-laws are not repugnant to the constitution and laws of this state, and for that purpose, may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct, or neglect of duty.

Trustees of
Sardis Academy in Jasper
county incorporated.
Their style
and corporate
powers.
Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said trustees shall be capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges, and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper benefit and behoof of said academy.

Capable of
holding property,
&c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when any vacancy may happen, by death, resignation, or otherwise, of any of the trustees of Sardis Academy, the survivors or remaining trustees shall fill the same, in such manner as shall be pointed out by the bye-laws and regulations of the trustees aforesaid.

Vacancies,
how filled.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 24th November, 1818.

WILLIAM RABUN, *Governor.*

No. 21.

AN ACT

To authorize the Trustees of the Marion Academy, in Twiggs County, to fill such vacancies as may have heretofore, or hereafter may happen in the Board of Trustees of the said Academy.

Vacancies in the board of trustees of Marion Academy, how filled.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the trustees of the Marion Academy, in the county of Twiggs, shall be authorized to fill all vacancies which may have or hereafter may happen in the board of trustees of said academy, by the appointment of such person or persons as they may think proper, any law to the contrary notwithstanding.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, *Governor.*

No. 22.

AN ACT

To incorporate the Sparta Academy in Hancock County.

Trustees of Sparta Academy nominated and incorporated.

Their corporate powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That William G. Springer, John Lucas, Nicholas Childers, Charles E. Haynes, and Thomas Haynes, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of the Trustees of the Sparta Academy in Hancock County, and the said trustees are hereby authorized to have and use a common seal, and the same to break, alter and renew at pleasure, and they are hereby declared to be able and capable in law of suing and being sued, pleading and being impleaded, and to have, hold and enjoy real and personal property, for the use, purpose and benefit of said academy.*

May fill vacancies.

SECT. 2. *And be it further enacted, That the said trustees, and their successors in office, shall have power to fill all vacancies, which may happen in their board, from time*

to time, by death, resignation or otherwise, and that three of the aforesaid trustees, shall be sufficient to form a board for the transaction of the business of said academy. Three a competent board.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, *Governor.*

AN ACT

No. 23.

To incorporate Hillsborough Academy, in Jasper County.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted,* That from and after the passage of this act, the Academy in Jasper county, at Hillsborough, shall be known and called by the name of Hillsborough Academy, and that George Alexander, Archibald Standiford, John Hill, Francis B. Smartt and Robert E. Richardson, and their successors in office, be, and they are hereby declared to be, a body politic and corporate, by the name and style of the Trustees of Hillsborough Academy; and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and shall be authorized to make such bye-laws and regulations, as may be necessary to carry into effect and execution the trust confided in them: *Provided,* such bye-laws and regulations be not repugnant to the constitution and laws of this state, and for that purpose may have and use a common seal, appoint such officers as they may think necessary, and remove the same from office, for improper conduct or neglect of duty. Hillsborough Academy incorporated.
Trustees.
Corporate powers.
Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said trustees shall be capable and authorized to accept of and be invested with all manner of property, real or personal, all donations, gifts, grants, privileges and immunities whatsoever, which may now belong to said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same, for the proper use, benefit and behoof of the said academy. May hold real and personal property, &c.

Vacancies.

SECT. 3. *And be it further enacted by the aforesaid authority, That when any vacancy may happen, by death, resignation, or otherwise, of any of the trustees aforesaid, it shall be filled in such manner as the trustees may by their bye-laws prescribe.*

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, *Governor.*

No. 24.

AN ACT

To appoint Commissioners for the Washington County Academy, and to make the same a body corporate.

Commissioners of Washington County Academy appointed and incorporated.

Corporate powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Benjamin Skrine, Henry Crowell, Tilman Dixon, Morgan Brown, Frederick Cullens, John Irwin, James Kendrick, Nathaniel G. Rutherford, and John Williams, be appointed commissioners of Washington County Academy, and that they, or their successors in office, be declared a body corporate, to be known by the style and denomination of the Commissioners of the Academy of Washington County, and they shall have full power and authority, under the style and name aforesaid, to sue and be sued, plead and be impleaded, in any court of law in this state; and to fill all vacancies which may happen in their body: And they, or a majority of them, are hereby vested with all power and privileges which may be most conducive to the benefit of said institution for the promotion of literature.*

A treasurer to be appointed, who shall give bond and security.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall, as soon as convenient, at or after their first meeting hereafter, appoint some fit and proper person of their own body as a treasurer, who shall enter into bond, with good and sufficient security, in the sum of five thousand dollars, for the faithful performance of the trust reposed in him, whose duty it shall be to collect and take care of the funds of said institution, and pay them out in such a manner as he may be required.*

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners shall, in the first instance, receive titles in fee simple for the tract or lot of land whereon the academy shall be placed, before they shall proceed to any other contribution for or towards the building of said academy.

Titles to the land whereon the academy is to be placed, to be obtained.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws, heretofore passed, contrary to this law, be and the same are hereby repealed.

Repealing clause.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 30th November, 1819.

JOHN CLARK, *Governor.*

AN ACT

No. 25.

To remove the Academy in Camden County, from St. Mary's to the town of Jefferson.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the academy in said county, or a majority of them, should they deem it expedient, be fully empowered and authorized to remove the same from St. Mary's to the town of Jefferson.

Camden county Academy may be removed to Jefferson.

SECT. 2. *And be it further enacted,* That such part of the funds of said academy, already invested in bank stock, be in no wise resorted to by the commissioners, but that all expenses incurred, shall be paid out of the interest arising from said stock, and from any other funds belonging to said academy; and also, that two commissioners be, and the same are hereby added to the original number, and that Daniel Tomkins and Joseph Thomas be appointed those commissioners.

The funds of said academy now vested in bank stock, not to be resorted to. Two commissioners added to the original board.

E

Repealing
clause.

SECT. 3. *And be it further enacted*, That any law or laws heretofore enacted, so far as they militate against this act, be, and the same are hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, *Governor.*

No. 26.

AN ACT

To incorporate the Trustees of the Ocmulgee Academy, in the County of Twiggs.

Trustees of
the Ocmulgee
Academy, in
Twiggs coun-
ty, nominated
and incorpo-
rated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That Benjamin Dupree, Edmund Dupree, William W. Williamson, Henry Bann, and Robert Glenn, and their successors in office, be, and they are hereby declared to be, a body politic and corporate, by the name and style of the Trustees of the Ocmulgee Academy, in the county of Twiggs, by which name and style they shall be capable in law of suing and being sued, pleading and being impleaded, and they and their successors in office are hereby authorized to use a common seal.

Their corpo-
rate powers.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the trustees above named, and their successors in office, or a majority of them, shall be, and they are hereby authorized to make such bye-laws and regulations as are necessary to the government of an academy: *Provided*, such bye-laws and regulations are not repugnant to the constitution and laws of this state; and that they shall be invested with all manner of property, both real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to the said institution at this time, or which may hereafter be made, conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of the said academy.

Vacancies,
how filled.

SECT. 3. *And be it further enacted by the authority aforesaid*, That should any vacancy happen by death, resignation, or otherwise, of any of the trustees of the said academy,

the survivors or remaining trustees shall fill the same, in such manner as shall be pointed out by the bye-laws of said institution.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, *Governor.*

AN ACT

No. 27.

To incorporate the Trustees of the Laurens County Academy.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* John Fullwood, John G. Underwood, Jacob Robinson, John Guyton, Amos Love, Lunsford C. Pitts, and George W. Welch, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of the Trustees of the Laurens County Academy; and the said trustees, and their successors in office, are hereby declared to be able and capable in law of suing and being sued, pleading and being impleaded, and to have, hold, and enjoy real and personal property, for the use, purpose and benefit of said academy.

Trustees of
Laurens County
Academy
appointed and
incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said trustees, and their successors in office, shall be capable of accepting, and be invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may now belong to said academy, or which may hereafter be bequeathed, given, conveyed or transferred to them, for the use and benefit of said academy.*

May hold pro-
perty, &c.

SECT. 3. *And be it further enacted by the authority aforesaid, That the said trustees, and their successors in office, shall have power and authority to appoint such officers, as they, or a majority of them, may think proper, and remove the same from office for improper conduct or neglect of duty, and that the said trustees, and their successors, shall have power to fill all vacancies that may happen in the board from time to time, by death, resignation or otherwise, and to make such laws and regulations for the govern-*

May appoint
and remove of-
ficers.

Fill vacancies.

Make bye-
laws, &c.

ment and management of said institution, (not contrary to the laws and constitution of this state,) as they, or a majority of them, may deem proper.

Repealing
clause.

SECT. 4. *And be it further enacted by the authority aforesaid, That all laws and parts of laws, militating against this act, be, and the same are hereby repealed.*

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, *Governor.*

No. 28.

AN ACT

Amendatory of an Act, entitled an Act for the more full and complete establishment of a Public Seat of Learning in this State.

Preamble.

WHEREAS it is considered that it will be more conducive to the interest of the Richmond Academy, that the trustees of that institution should be allowed to use a common seal, when acting in their corporate capacity :

Trustees of
Richmond
Academy au-
thorized to use
a common seal.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That from and after the passing of this act, it shall and may be lawful that Nicholas Ware, Freeman Walker, Anderson Watkins, Walter Leigh, L. C. Cantelow, Rober R. Reid, George Allen, A. Cunningham, and Edward F. Campbell, trustees of the Academy of Richmond County, and their successors in office, shall be, and they are hereby authorized and empowered to have and use a common seal, whenever acting as a corporate body.*

Acts, hitherto
done without a
seal, legalized.

SECT. 2. *And be it further enacted, That all acts heretofore done by the aforesaid trustees, and their predecessors in office, without using a common seal, which would have*

been considered legal and binding under the sanction of a common seal, shall be, and they are hereby declared as virtual and efficacious as though they had been executed under a common seal.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, *Governor.*

AN ACT

No. 29.

Appropriating the fines and forfeitures arising from criminal prosecutions in the Counties of Morgan, Greene, and Wilkes, to the use and benefit of the Academies of said Counties.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, that all fines and forfeitures, arising from prosecutions on the criminal side of the courts of said counties, and also all other forfeitures arising from violations of the penal statutes of this state, within said counties, be and the same are hereby vested in the commissioners of the academies at the court-houses in said counties, and directed to be paid over accordingly, to be applied to the use and benefit of said academies: *Provided*, that from said fines and forfeitures be retained all costs arising in the prosecution and collection thereof.

Certain fines and forfeitures vested in the several academies of Morgan, Green and Wilkes counties.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all laws, militating against this act, be and the same are hereby repealed.

Repealing clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, *Governor.*

ACTIONS, LIMITATIONS OF. 1813.

No. 30.

AN ACT

To amend an Act, entitled "An Act for the limitation of Actions, and for avoiding Suits at Law."

Preamble.

WHEREAS divers persons, during the time this state was a British province, obtained grants for lands within the same, and during the Revolutionary War, and at the expiration thereof, fled from this state, and who never resided therein; And whereas divers persons, good citizens of this state, have, since the revolution, unknowingly surveyed and obtained grants for all or a large part of many of the aforesaid old surveys, or who have become purchasers, and have settled, cultivated and greatly improved the same, defending and supporting this state; and reason and justice requires that they should not be disturbed in their possessions at this late period—for remedy whereof;

Claimants of lands, under grants made prior to the Revolution, who never resided in the province, or who fled from the state, during that struggle, and did not return within 21 years after the peace of 1783, to make entry, &c. shall not (nor shall any one claiming under them) recover any parts thereof, which may have been since granted from any one, who since the revolution obtained a grant, settled or cultivated the same, &c. for 7 years, in peaceable possession. Nor from any one claiming under such young title, where there has been 7 years adverse possession.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That no person or persons, claiming any lands, tenements or hereditaments, by virtue of any grant or grants, prior to the revolutionary war, and who never resided in said province, or who fled from this state during that struggle, and who did not return to this state within twenty-one years after the treaty of peace with Great Britain, which was in the year seventeen hundred and eighty-three, to make entry thereon, settle and cultivate the same, or any part thereof, shall, either he, she or they, or any person or persons claiming under him, her or them, hereafter recover any such parts thereof, as may have been since granted, from any person or persons, who has or have since the revolution obtained a grant or grants, settled or cultivated the same, or any part thereof, for the term of seven years, in peaceable possession; nor from any person or persons claiming under such young title as aforesaid, where there has been an adverse possession for the aforesaid term of seven years.

same, &c. for 7 years, in peaceable possession. Nor from any one claiming under such young title, where there has been 7 years adverse possession.

SECT. 2. *And be it further enacted by the authority aforesaid, That no saving or exception in any statute of limitations in this state, providing for the claims of persons resident beyond seas, shall operate or be so construed as to benefit any persons whose grants have issued prior to the Revolutionary War, and who are now subjects of the crown of Great Britain, or other foreign nation.*

Nosaving in the statute of limitations to operate in favour of any persons, whose grants, issued prior to the revolution, and who are now subjects of any foreign nation.

SECT. 3. *And be it further enacted by the authority aforesaid, That nothing in this act contained shall affect, or be construed to affect, any lands belonging to, or that ever did belong to, any person or persons, named in the act of confiscation and banishment or bill of attainder, or any right which this state has to confiscated lands, or any right which any citizen of the United States, or citizen of this state, may have to any of said lands.*

This act not to affect certain lands and rights, herein specified.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, *Governor.*

AN ACT

No. 31.

Amendatory to, and explanatory of, the Statute of Limitations in this state, passed the 7th of December, 1805, so far as it regards Idiots, Lunatics and Infants.

WHEREAS many evils and inconveniences may arise from the construction given to the before recited act, by which the savings and exceptions in favour of idiots, lunatics and infants, mentioned in said act, are totally defeated, and manifest injustice done thereby ;

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, that no court of justice in this state, before whom the plea of the statute of limitations may be relied on, or plead by any defendant or defendants, shall be permitted to construe said acts against idiots, lunatics or infants, as heretofore construed; but said statute of limitations, when it has*

Statute of limitations, how construed with regard to idiots, lunatics, and infants.

commenced running, shall not so operate as to defeat the interest acquired by idiots, lunatics or infants, after its commencement, but the operation of said statute shall cease until the disability or disabilities of such persons are removed, or from the time of the arrival of such infant to the age of twenty-one years, any law, custom or usage to the contrary notwithstanding.

Persons residing out of the state, not entitled to any right, privilege, or exemption, not enjoyed by citizens resident in the state.

SECT. 2. *And be it further enacted,* That no proviso or part of the above recited act, or any other part or parts of any statute of limitations, which are or heretofore have been of force in this state, shall be so construed as to grant any privilege, right or exemption, to any person or persons who may reside in either of the United States, or the territories thereof, or beyond seas, or elsewhere, other than those enjoyed by the citizens resident within the limits of this state.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, *Governor.*

ALLEVIATING LAWS.

AN ACT*

1812.

(No. 32.)

To alleviate the condition of Debtors.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That* from and after the thirtieth day of the present month, November, it shall not be lawful for any civil officer of the state to issue any civil precept or process whatsoever, during the continuation of this act, except as hereinafter excepted.

No civil process to issue after the 30th of November.
Exception.

SECT. 2. *And be it further enacted, That it shall not be lawful for any sheriff, deputy sheriff, coroner or constable, or other civil officer, during the continuation of this act, to serve any civil writ, warrant, precept or process, whatsoever, except as hereinafter excepted, or to levy any execution, ca. sa. or any other process whatever, which has heretofore issued, or may hereafter issue, against the person or property of any person or persons whatever, or make any sales by virtue of any execution now in his or their possession, or that may hereafter come into his or their possession, except such as be founded on attachment, and such as are hereinafter excepted.*

No civil process to be served.

Executions not to be levied.

No sales to be made by virtue thereof.

Exception.

SECT. 3. *And be it further enacted, That the treasurer shall not proceed to collect from the purchasers of fractional surveys in the late land lotteries, by execution, the amount of any sum or sums which may be now due, or hereafter become due, during the continuation of this act, except such purchasers of fractions who have removed, or*

The treasurer not to proceed by execution against the purchasers of fractional surveys.

Exception.

* See act of 1813, No. 33, supplementary to, and amendatory of this act. Both acts have expired.

(No. 32.) are about to remove without the state, and an oath to that effect is made by some one or more credible witness or witnesses.

Debtors shall liquidate their accounts, and in case of refusal, the creditor may prosecute his debt to judgment.

SECT. 4. *And be it further enacted,* That all persons shall be compelled to liquidate their accounts, if required so to do, and on refusing to comply, the creditor shall be at liberty to prosecute his debt to a judgment.

Statute of limitations suspended (except as to land) during the continuance of this act.

SECT. 5. *And be it further enacted,* That the act of limitation, now in force in this state, shall cease to run, except as relates to real estate, for and during the time this act shall continue in force.

Securities, how relieved in certain cases.

SECT. 6. *And be it further enacted,* That where any person is now, or may hereafter become security, on such security's making oath that he has just reason to believe that the principal for whom he is or may be security, is about to squander or make way with his property, whereby such security conceives he would be compelled to pay such debt, or a part thereof, that then and in that case, the principal shall be compelled to give new security, which shall be approved of by the original security, otherwise the creditor shall be compelled to prosecute his said debt to judgment, execution and sale of the defendant's property, if required so to do by the original security, and on refusal so to do, the original security shall be exempt from the payment of the said debt.

A creditor may prosecute his suit to judgment, on making oath that he apprehends the loss of his debt by his debtor's being about to squander or waste his property.

SECT. 7. *And be it further enacted,* That where any creditor apprehends the loss of his debt, by his debtor being about to squander or waste his property, and shall make oath thereof, he shall be at liberty to prosecute his suit to a judgment.

This act not to extend to any case for the recovery of taxes: Or revenue due to the state: Or to Augusta, Savannah, &c. The Planters' and Augusta Banks: Or to fines and forfeitures: Nor to cases of rent, where the tenant refuses to give possession. Nor to prevent the filing of bills in equity. Provide, as to tuition money, of the university, &c.

SECT. 8. *And be it further enacted,* That this law shall not be construed to extend to any cases for the recovery of taxes, or revenue due, or to become due to the state or to the cities of Savannah and Augusta, and all other incorporate towns in the state, the Planters' Bank of the State of Georgia, and the Augusta Bank, to forfeitures to the state for torts and wrongs committed against the state, or to any fines inflicted by the proper authority, for neglect of duty; nor to case of rent, where the tenant or tenants refuse to give up possession, after the term or terms for which such premises were leased; nor to prevent the filing of bills in equity for discovery and relief, and to restrain fraud in the execution or performance of contracts: *Provided,* that this act shall not extend to the collection of tuition money now due, or which hereafter may become due to the university, and to the academies in Chatham and Liberty, and all other academies and private schools.

the filing of bills in equity. Provide, as to tuition money, of the university, &c.

SECT. 9. *And be it further enacted*, That where any sheriff, coroner or constable, or (No. 32.) other civil officer, may have heretofore levied on any property, or may hereafter levy on any property, real or personal, it shall be the duty of such officer to deliver up said property to the defendant or defendants, on his, her or their giving security for the redelivery thereof when called on, or for the eventual payment of the debt and costs; and where any property has been heretofore, or may hereafter be levied on, by virtue of any execution as aforesaid, and the defendant or defendants may have given, or may hereafter give security for the delivery of the same, or for payment of the money, and it shall satisfactorily appear, by the oath of the plaintiff, his, her or their attorney or agent, that the defendant, or his, her or their security or securities, has left, or is about to leave the state or county, (except such as may be out in the service of their country,) then and in that case, the said officer or officers are fully authorized to proceed, in the usual way, as fully and effectually as if this law had never been passed: *Provided nevertheless*, that the defendant or defendants may stop the sale of their property, on or before the day of sale, on payment of costs, and giving new security, and all such security shall be held and considered as special bail, and in all cases where bail is offered, the party offering to become bail shall be required to justify. And where any person may be in actual service, and their property is about being removed out of the county or state, his creditor shall be at liberty to proceed against the property of such person as pointed out by this act, against the property of absconding debtors, on such creditor's making oath, that he has just reason to believe such removal is actually about to take place, and that he apprehends the loss of his said debt, or some part thereof, by such removal.

Property levied on shall be given up to the defendant, upon his giving security for its redelivery, or for the eventual payment of the debt and costs.

When the plaintiff, his agent or attorney shall make oath that such defendant, or the security which he has given, has left, or is about to leave, the state or county (except such as may be in service) the officer shall proceed as if this law had not been passed.

Proviso.

Sale may be stopped on paying costs and giving security.

Security held

as special bail: Required to justify. In what way a creditor may proceed, when the property of a person in service is about to be removed out of the county or state.

SECT. 10. *And be it further enacted*, That nothing in this act shall be so construed as to prevent the trial of the right of property, actions of ejectment or of trespass, actions of trover, actions of assault, menace and battery, wounding or imprisonment, or any of them.

This act not to prevent the trial of the right of property, nor actions of ejectment, &c. &c.

SECT. 11. *And be it further enacted by the authority aforesaid*, That where any sheriff, coroner, constable, attorney at law, or other officer, shall have received and collected money by virtue of their office respectively, that they shall be compelled to pay over the same, in the same manner they and each of them would have been compelled heretofore so to do.

Sheriffs and other officers compelled to pay over monies as heretofore.

SECT. 12. *And be it further enacted*, That any person, making oath that his, her or their debtor is about to remove out of this state or any county, attachment shall be granted thereon, on giving bond and security agreeably to law; the subsequent proceeding shall be the same as is prescribed by the attachment law now in force in this state:

Attachments grantable.

(No. 32.) *Provided nevertheless*, that the defendant may stop all further proceedings, either before or after judgment, by giving good freehold security for the debt and costs.

Proceedings may be stopped, by giving security for the debt and costs.

This act not to extend to executors, administrators, &c. who withhold any money, property, &c. from the proper benefit of the legatees, distributees or orphans; or who have applied the same to their own use.
Proviso.

SECT. 13. *And be it further enacted*, That the provisions of this act shall not extend to any executor, administratrix, administrator or guardian, who has actually in his or her hands, any money, property or papers, belonging to any legatees, distributees or orphans, and withholds the same from the proper benefit and use of said legatees, distributees or orphans, or where he, she or they have applied said money, property or papers to his or her own individual use, and not to the use of said legatees, distributees or orphans: *Provided nevertheless*, that nothing in this act shall be so construed as to prevent the issuing subpoenas and summonses, and summoning jurors and witnesses, where the same may be necessary, for the hearing and determining cases which by this law the courts are authorized to hear and determine.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 27th November, 1812.

D. B. MITCHELL, *Governor.*

(No. 33.)

AN ACT*

Supplementary to, and amendatory of an act, entitled "An act to alleviate the condition of debtors," passed the 27th November, 1812.

Nothing in the act of 1812 shall prevent the Planters' Bank or the Bank of Augusta from instituting suits, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That nothing in the before recited act, shall operate to prevent the President and Directors of the Planters' Bank of the State of Georgia, or the Bank of Augusta, from instituting suit, or suits, and enforcing all contracts made with them, or either of them, in their corporate capacity, in the same manner that they were authorized to do, before the passing of said act.

* Expired.

SECT. 2. *And be it further enacted by the authority aforesaid,* That actions upon the case for words may in all cases be brought, in the same manner as if the before recited act had not been passed, or had never had existence. (No. 33.)

Actions on the case for words may be brought.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases of judgments heretofore obtained, or which may hereafter be obtained, or executions heretofore issued, it shall and may be lawful for the plaintiff or plaintiffs in such judgments or executions, their agent or attorney, upon affidavit made that his debtor is removing or about to remove, or has removed his, her or their property out of this state, or any county thereof, to compel such debtor to give good and sufficient freehold security to such plaintiff, in a sum equal to the amount due on such judgment or execution; and on failure of such debtor to give such security, it shall be lawful for the plaintiff in those executions heretofore issued, to proceed therewith, and to cause the same to be levied on the property of such defendant; and in cases of judgments, where executions shall not have issued, the clerk of the court where such judgment was obtained, or in cases of judgments before Justices of the Peace, for such Justice to issue execution against such debtor, which may be levied on the property of such debtor, in the same manner as if the before recited act had not been passed: *Provided*, that nothing herein contained shall operate to prevent the giving such security to the officer having such execution, at any time before the sale shall have actually taken place in virtue thereof; and upon giving such security, the sheriff or officer holding such execution, shall stop further proceedings, and shall return to the defendant or defendants all such property as shall have been levied on by virtue of any such execution.

Where judgments have been or may be obtained, or where executions have heretofore issued, the plaintiff, upon making affidavit that the debtor is removing, or about to remove, or has removed his property out of the state or county, may compel him to give security.

If the debtor fail to give security, the plaintiffs in those executions heretofore issued, may have his debtor's property levied on.

And in cases

of judgments where executions had not issued, they may issue and be levied, &c. on the property of such debtor. *Proviso.* That security may be given, and the property restored.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the provisions of this act, or the one to which this is amendatory, shall not extend to any executor or executrix, administrator or administratrix, or guardian, who has actually in his, or her hands any money belonging to any legatees, distributees or orphans, and withholds the same from the proper benefit and use of said legatees, distributees or orphans; or where he, she or they have applied said money to his, her or their own individual use, and not to the use of said legatees, distributees or orphans: *Provided nevertheless*, that nothing in this act, or the one to which this is amendatory, shall be so construed as to prevent the issuing of subpoenas, summonses and commissions for taking depositions of witnesses, and summoning jurors and witnesses, where the same may be necessary, for the hearing and determining of cases, which by this act, and the one to which this is a supplement, the courts of this state are authorized to hear and determine.

This act not to extend to executors, &c. who withhold any money, &c. belonging to distributees, legatees or orphans, or who have converted it to their own use.

Proviso.

(No. 33.)

Bonds, &c.
given for ti-
tles to land,
may be sued
on.

SECT. 5. *And be it further enacted,* That nothing contained in this act, or the act to which this is amendatory, shall go to prevent the commencement and trial of suits on bonds and obligations, or other instruments in writing given for titles to land.

Mortgages on
personal pro-
perty may be
foreclosed.

Proviso.

SECT. 6. *And be it further enacted,* That nothing in the before recited act, shall operate to prevent the foreclosure of mortgages on personal estate: *Provided,* that any person seeking to foreclose his mortgage, shall, at the time of making application for foreclosure, make oath that the mortgagor is about to remove the property out of the state, or any county of the state.

Creditors shall
fairly draw off
and prove
their accounts
before they
can require
their debtors
to liquidate
the same.

SECT. 7. *And be it further enacted,* That all persons, holding open accounts, such creditor, before he shall call on his debtor for the liquidation of said accounts, in terms of the fourth section of an act to which this is an amendment, shall fairly draw off his account, prove the same before a Justice of the Peace, or some other officer of the peace.

Repealing
clause.

SECT. 8. *And be it further enacted by the authority aforesaid,* That so much of the before recited act as militates against this act, be, and the same is hereby repealed.

Continuation
of this act, &c.

SECT. 9. *And be it further enacted,* That this act, and so much of the act to which this is amendatory, as be not repugnant to this act, shall be and continue in force until the 25th day of December, 1814, and no longer.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, *Governor.*

AN ACT*

(No. 34.)

To authorize the several Courts of Equity in this State to grant remedies in certain cases, and to regulate the Courts of Law and Equity in this state, and for affording temporary relief to the Soldiers, whilst in the service of this state, or of the United States, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

That where any person or persons has or shall run out of this state the property of a deceased person or persons, to the injury of the orphans of said deceased, or to the injury of the next of kin entitled to the same, it shall and may be lawful for the Judges of the several Courts of Equity in this state, upon application, and the facts being stated on oath made to the truth thereof, and also the property being described, and its value sworn to by the person or persons entitled to said estate, his, her or their agent or attorney, to give the party a remedy, either by arresting the defendant or taking his property, or both, as the court in its discretion shall deem necessary and proper: *Provided always*, that the Judge granting the same shall take good security of the party, his, her, or their agent or attorney, in double the amount sworn, to make good all costs and damages the defendant shall sustain, if the plaintiff shall discontinue or be cast in the said suit.

What remedy may be adopted, when any person shall run out of this state the property of any one deceased.

Proviso.

SECT. 2. *And be it further enacted*, That the defendant, if arrested, and his property also, if taken, shall be discharged and returned to him, on his giving good security to perform the order and decree of the court.

The person and property of the defendant to be discharged upon

his giving security to perform the order, &c. of the court.

SECT. 3. *And be it further enacted*, That if the defendant fails, or neglects or refuses to give such security, the court may make such disposition of the property as in its discretion it shall deem most advantageous to the parties on both sides.

If the defendant fail to give security, the court shall dispose of the property as it may deem best.

SECT. 4. *And be it further enacted, by the authority aforesaid*, That in all cases where a verdict shall hereafter be rendered, and judgment entered and signed thereon, in any of the Superior or Inferior Courts of this state, the party against whom such judgment shall be so entered, may stay all further proceedings, by entering good and sufficient security, either in open court or in the clerk's office, within ten days after the judgment of said court, for the payment of the judgment and costs within twelve months from the

Stay of execution for twelve months authorized and regulated.

* See Act of 1815, No. 35, repealing the 4th, 5th, 6th, and 7th sections of this act.

(No. 34.) date of said judgment, and if such party shall not pay the same agreeably thereto, execution may issue against such party and the security, without any other proceedings thereon.

The foregoing provision extended to parties in Justices' Courts.

SECT. 5. *And be it further enacted*, That all parties against whom judgments are rendered, in any of the Justices' Courts in this state, shall be entitled to the benefits and provisions of the foregoing section, upon their complying with the terms therein required, by giving security to the Justices of the Peace.

No verdict to be taken or judgment entered, against any soldier or officer, whilst in service of the state or the United States.

Continuance in such cases authorized.

The property of such soldier or officer not to be levied on or sold, whilst in service, or on his way to, or returning from rendezvous, or within six months after his term of service has expired. Proviso.

Parties against whom judgments have already been obtained, entitled to the benefits of the 4th section of this act, &c.

SECT. 6. *And be it further enacted*, That it shall not be lawful for any of the Judges of the Superior Courts, Justices of the Inferior Courts, or Justices of the Peace, in this state, to suffer any verdicts to be rendered, or judgments entered or signed in any or either of their said courts, against any soldier or officer of this state, whilst such soldier or officer is in the service of this state, or of the United States; but in all cases where it shall be made satisfactorily to appear to any of the said courts, that either of the parties to any case in either of their said courts depending, is in the service aforesaid, the same shall be held; deemed and considered a good ground and sufficient cause of continuance of said case, if either of said parties, their agent or attorney, choose to claim the same. Nor shall any execution be levied on, or the property of any such soldier or officer be sold, by virtue of any execution which has heretofore or may hereafter be issued against him, whilst he is in the service aforesaid, or on his way to, or returning from the place of rendezvous, or within six months after the expiration of the term of service of such soldier: *Provided*, such soldier shall, within twenty days after the expiration of his term of service, give security, as other persons are required to do by this act; nor shall any civil process whatever be issued against any soldier or officer whilst in such service.

SECT. 7. *And be it further enacted*, That in all cases where judgment has already been obtained in any of the courts aforesaid, the party against whom the same has been obtained may, by complying with the terms contained in the 4th section of this act, claim and receive the benefits and provisions of said section. And where execution has already issued, the officer in whose hands the same may be, shall be bound to take the security required, as directed in said section.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

JARED IRWIN,

President of the Senate, pro. tem.

Dissented to, by the Governor, 22d November, 1814.

In the House of Representatives, 22d November, 1814: Repassed by a majority of (No. 34.) two-thirds of the House, agreeably to the provisions of the Constitution.

BENJAMIN WHITAKER, *Speaker.*

Attest—A. S. CLAYTON, *Clerk.*

Repassed by two-thirds of the Senate, 23d November, 1814.

JARED IRWIN,
President of the Senate, pro. tem.

Attest—WILL. ROBERTSON, *Secretary.*

AN ACT

(No. 35.)

To repeal the fourth, fifth, sixth and seventh sections of an Act, entitled An Act to authorize the several Courts of Equity in this State, to grant remedies in certain cases, and for regulating the Courts of Law and Equity in this State, and for affording temporary relief to the Soldiers, whilst in the service of this State or of the United States, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted,* That the fourth, fifth, sixth and seventh sections of the above recited act be, and the same are hereby repealed; *Provided nevertheless,* that nothing herein contained shall be so construed as to affect any case or cases where executions have been stayed for twelve months in terms of said act, until such terms shall have expired.

The 4th, 5th, 6th and 7th sections of the recited act repealed. Proviso.

SECT. 2. *And be it further enacted,* That the stay of execution authorized by the seventh section of the before recited act was, in the opinion of this legislature, and of right ought to be held, deemed and considered, to be for twelve months from the date of the before recited act, and no longer.—*And provided also,* that nothing herein contained shall be so construed as to deprive the party holding the eldest judgment, where security has been given in terms of the before recited act, from claiming the proceeds of sales holding the oldest judgment, where security has been given, entitled to money raised under a

The stay of execution authorized by the 7th section of the recited act, considered to be for 12 mo. from the date of the act. The party younger one.

(No. 35.) made by virtue of any execution founded on a younger judgment, in the same manner as if no such security had been given; any law, usage, or rule of court, to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

ALIENS.

AN ACT

1818.

(No. 36.)

To exempt from military duty certain individuals, not citizens of the United States.

WHEREAS, it is deemed grievous and oppressive, that individuals, not citizens of the United States, and who are subjects of a foreign government, and only temporary residents in this state, for commercial and other purposes, and who do not intend to settle or reside in this state, or become citizens thereof, should be considered liable to such military drafts, as may from time to time be made upon the militia of this state, and particularly when such subjects belong to governments whose laws do not recognise such military liability, or exact such military duties from the citizens of the United States.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia,* That such individuals, subjects as aforesaid, of a foreign government, shall be, and they are hereby declared to be, exempted from all military duty in the militia of this state, and from all military drafts which may hereafter be made, any law to the contrary notwithstanding: *Provided however,* that this law shall not be construed or operate, as to extend to their liability to perform certain local duties, within the several counties in which they reside, such as the repelling of local invasions, extinguishing conflagrations, putting down insurrections, and the like: *And provided also,* that it shall not extend to such individuals, who are subjects or citizens

Aliens exempt from military drafts, and military duty.

Proviso.

Proviso.

(No. 36.) of a foreign government or state, the laws of which said government or state do not extend a similar and co-extensive exemption to the citizens of the United States.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 37.)

AN ACT

To prevent the introduction of passengers, who are Aliens, into the port of Savannah, during the months of July, August, September, and October.

WHEREAS, it has been the practice of masters of vessels to bring numbers of passengers, natives of foreign countries, into the port of Savannah, during the sickly months, thereby exposing to almost certain death individuals whose constitutions are but illy adapted to the insalubrious climate of that city, and thereby subjects, the community to an onerous expense.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

Masters of vessels arriving at Savannah in certain months compelled to report their foreign passengers.

That any master or commander of any ship or vessel arriving between the first of July and the last day of October, inclusive, from a foreign country, or from any other part of the United States, who shall enter his vessel at the custom-house in the city of Savannah, shall, within twenty-four hours after such entry, make a report in writing, on oath, to the Mayor of said city, of the age, name, and occupation, of every person, who shall have been brought as passenger in such ship or vessel on her last voyage, upon pain of forfeiting for every neglect or omission to make such report, the sum of seventy-five dollars for every alien, neglected to be so reported as aforesaid.

Penalty.

Masters bringing such passengers shall give bond and security to indemnify the corporation, &c. for any expense which may be incurred.

SECT. 2. *And be it further enacted,* That it shall be lawful for the said Mayor, or in his sickness or absence, any person legally authorized to act in his place, to require every such master of such ship or vessel, to be bound with two sufficient securities to the Mayor and Aldermen of the city of Savannah, in such sums as the Mayor or such person so legally authorized as aforesaid, may think proper, not exceeding three hundred dollars for each passenger, to indemnify and save harmless the said Mayor and

Aldermen, and the commissioners of the poor-house and hospital, and their successors, (No. 37.) from all and every expense and charge which shall or may be incurred for the maintenance and support of any such person so introduced, and for the maintenance and support of the child or children of any such person which may be born after such importation, in case such person so imported, or any such child or children, shall at any time within six months after the said importation become chargeable to the said city; and if any such person so brought as aforesaid, and not being a citizen of the United States, shall be permitted or suffered to land within the said city from any such ship or vessel, before such bond shall have been given, and without a permission in writing from the said Mayor, or person so legally authorized as aforesaid, the master or commander of such ship or vessel shall be subject to the penalty of three hundred dollars for every person so suffered or permitted to land as aforesaid.

red for their support, in case they should become chargeable on the city, within six months.

Penalty for suffering such passengers to land before bond given, &c.

SECT. 3. *And be it further enacted*, That if any person who may have been a passenger in any such ship or vessel, and not being a citizen of the United States, shall be suffered to land from such ship or vessel at any place within the distance of fifty miles from the said city, with intent to proceed to the said city, otherwise than in the said ship or vessel, the master or commander thereof shall be liable to the like penalty of three hundred dollars for every such person so suffered or permitted to land.

If landed within fifty miles of the city, &c. what penalty.

SECT. 4. *And be it further enacted*, That if any householder in said city shall, knowingly, entertain in his house or family, any alien so landed as aforesaid, and shall not report such alien to the said Mayor, or in case of his sickness or absence, any person legally authorized to officiate in his place, within twenty-four hours after such entertainment commences, he or she shall forfeit and pay the sum of fifty dollars for every such alien so entertained.

Householders entertaining such aliens to report them.

Penalty for not doing so.

SECT. 5. *And be it further enacted*, That all and singular the said penalties and forfeitures arising in said city, shall and may be sued for and recovered, with full costs of suit, by action of debt in the Superior Court of this state, in the name of the said Mayor and Aldermen, and when recovered by them, shall be applied towards the support of the poor of the said city, and the defendant in every such suit shall be held to special bail, and upon every such trial for any penalty or forfeiture supposed to be incurred by the landing of any such persons as aforesaid within the said city, the same landing shall be presumed, unless the defendant shall prove that the said person was taken or sent to some foreign country, without having been suffered to land as aforesaid.

Penalties, by whom and how recovered.

SECT. 6. *And be it further enacted*, That it shall be lawful for the said Mayor and Aldermen to compound for the said penalties and forfeitures or any of them, either be-

Mayor, &c. may compound for penalties.

(No. 37.) fore or after suing for the same, upon such terms as the circumstances of the defendant or of the case may in their judgment require.

Vessel liable to be attached unless certain securities be given.

SECT. 7. *And be it further enacted*, That every ship or vessel from which such alien shall have been so landed, without permission in writing from the said Mayor or person so legally authorized as aforesaid in his place, shall be liable for the said penalties, and may be proceeded against by attachment, or any other mode in similar cases allowed by law; unless the owner thereof or their agents shall give bond, with sufficient sureties, to the sheriff or his deputy, in the name of the Mayor and Aldermen, for the payment of the said penalties, and every of them which may have been incurred during or since the last voyage of the said ship or vessel, or for paying the value of such ship or vessel towards the satisfaction of such penalties as may have been so incurred by suffering any alien to land as aforesaid, and such value shall be ascertained by the wardens of the port of Savannah, or any two of them.

How this law shall be advertised before it shall operate.

SECT. 8. *And be it further enacted*, That it shall be the duty of the corporation of Savannah to advertise this law in one or more gazettes of all the sea-port towns in this state, for the information of all those who may be concerned, at least three months before this law shall go into effect.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

APPROPRIATION ACTS.

AN ACT

1811.

To appropriate Money for the political year 1812.

(No. 38.)

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted,* That the sum of sixteen thousand dollars be, and the same is hereby appropriated as a contingent fund, subject to the orders of the Governor.

Contingent
fund.

SECT. 2. *And be it further enacted,* That the sum of two thousand dollars per annum be, and the same is hereby appropriated, for the Governor's salary ; to the Secretaries of the Executive Department, (not exceeding two,) five hundred dollars each ; to the Secretary of State, two hundred dollars ; the Treasurer, twelve hundred dollars ; the Surveyor General, two hundred dollars ; the Comptroller General, six hundred dollars ; the Clerk of the House of Representatives, three hundred dollars ; the Secretary of Senate, three hundred dollars ; the said clerk and secretary to be responsible for the books and papers belonging to their respective offices, unavoidable casualties excepted ; the Judges of the Superior Courts, fourteen hundred dollars each ; the Attorney General and three Solicitors General, one hundred and fifty dollars each ; which said several sums of money shall be, and they are hereby appropriated for their use, to be paid quarter-yearly, by warrant from the Governor on the Treasurer, out of any monies not otherwise specially appropriated.

Salary of the
Governor ;
His Secreta-
ries.
Secretary of
State.
Treasurer.
Surveyor
General.
Comptroller
General.
Clerk of the
House of Re-
presentatives,
and Secretary
of Senate.
Judges of the
Superior
Courts.
Attorney and
Solicitors
General.

SECT. 3. *And be it further enacted,* That for the compensation of the Members of the House of Representatives and Senate, three dollars each per day, during their attendance, and the sum of three dollars for every twenty miles in coming to, and returning from, the seat of government ; and the sum of four dollars per day to the President of the Senate and the Speaker of the House of Representatives during their attendance,

Pay of mem-
bers of the
legislature.

President and
Speaker.

(No. 38.) and the sum of three dollars each, for every twenty miles in coming to and returning from the seat of government; to the Clerk of the House of Representatives and Secretary of the Senate, during the sitting of the Legislature, four dollars each per day; Clerk and Secretary.

Assistant and engrossing Clerks. and the sum of sixty dollars each, for contingent expenses; to the two engrossing Clerks, and one assistant Clerk to the House of Representatives, and two engrossing Clerks to the Senate, four dollars per day each; to William Dowsing, Clerk to the committee on finance, sixty dollars; to Watson Porter, Clerk to the committee on the state of the Republic, the sum of sixty dollars; to the Messengers and Doorkeepers to both branches of the Legislature, the sum of three dollars each per day; to the Adjutant General, twelve hundred dollars per annum, to be paid monthly; to Frederick Freeman, Clerk to the committee on the criminal code, forty dollars; to Dennis L. Ryan, thirty dollars for printing 125 copies of the report of the committee on the penal code; the Messengers and Doorkeepers.

Pay of the Adjutant General. sum of ten thousand dollars be, and the same is hereby appropriated, to commence the rearing of a Penitentiary edifice; the sum of fifty thousand dollars be, and the same is hereby appropriated, for taking up the State's shares in the Bank of Augusta, agreeably to a concurred resolution, to be under the direction of the Governor; to the State Commissioners, as per account rendered, one hundred and twenty-nine dollars; to Peter Farr, for winding up the clock, keeping clean the staircases, passages, &c. sixty dollars; to Alexander Greene, eighty dollars, for airing, scouring, and taking care of the State House, the desks and carpets, in the recess of the Legislature, and making fires on wet days; the sum of twenty-five dollars to Nathaniel Twining, for distributing the Laws and Journals in several counties in the year 1805, agreeably to a concurred resolution; to William Lumkin, five dollars thirty-one and one-fourth cents, for taking the census of Oglethorpe county, there being a mistake to that amount in the appropriation of last year; to Obadiah Crawford, Stokely Morgan, and William Jourdan, commissioners for valuing the State House, at and after the rate of five dollars per day, while on duty at the seat of government, and the further sum of five dollars for every thirty miles in coming to and returning from the same; to Edmund B. Jenkins, the sum of five hundred dollars, agreeably to a concurred resolution of the present session: Which said several sums shall be, and the same are hereby appropriated out of any monies which now are, or may hereafter come into the treasury, not otherwise heretofore appropriated.

Appropriation for a Penitentiary edifice; And for shares in the Augusta Bank. Individual appropriations.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 39.)

To appropriate money for the political year 1813.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of sixteen thousand dollars be, and the same is hereby appropriated as a contingent fund, subject to the orders of the Governor.

Contingent Fund.

SECT. 2. *And be it further enacted,* That the sum of two thousand dollars per annum be, and the same is hereby appropriated for the Governor's salary; to the Secretaries of the Executive Department, not exceeding two, five hundred dollars each; to the Secretary of State, two hundred dollars; the Surveyor General, two hundred dollars; the Treasurer, twelve hundred dollars; the Comptroller General, six hundred dollars; the Clerk of the House of Representatives, three hundred dollars; the Secretary of Senate, three hundred dollars; the said Clerk and Secretary to be responsible for the books and papers belonging to their respective offices, unavoidable casualties excepted; the Judges of the Superior Courts, fourteen hundred dollars each; the Attorney General, and three Solicitors General, one hundred and fifty dollars each; which said several sums of money shall be, and they are hereby appropriated for their use, to be paid quarter-yearly, by warrant from the Governor on the treasury, out of any monies not otherwise specially appropriated.

Appropriation for the Governor's salary;
His Secretaries.
Secretary of State.
Surveyor General.
Treasurer.
Comptroller General.
Clerk of the House of Representatives, and Secretary of Senate.
Judges.
Attorney, and Solicitors General.

SECT. 3. *And be it further enacted,* That for the compensation of the members of the House of Representatives and Senate, three dollars each per day during their attendance, and the sum of three dollars for every twenty miles in coming to, and returning from the seat of government; and the sum of four dollars per day to the President of the Senate and the Speaker of the House of Representatives during their attendance, and the sum of three dollars each for every twenty miles in coming to, and returning from the seat of Government; to the Clerk of the House of Representatives and Secretary of Senate, during the sitting of the Legislature, four dollars each per day, and the sum of sixty dollars for contingent expenses; to the two engrossing Clerks, and one assistant Clerk to the House of Representatives, and two engrossing Clerks to the Senate, four dollars per day each; to the Clerk of the committee on finance, sixty dollars; to the Clerk of the committee on the state of the Republic, the sum of sixty dollars; to the Messengers and Doorkeepers to both branches of the Legislature, the sum of three dollars each per day; to the Adjutant General, twelve hundred dollars per annum, to be paid quarter-yearly; the sum of thirty thousand dollars to be set apart as a fund for

Pay of Members of the Legislature.
President, and Speaker.
Clerk and Secretary.
Assistant and engrossing Clerks.
Clerks of Committees.
Messengers and Doorkeepers.
Adjutant General.

(No. 39.) military disbursements, to be drawn for by his excellency the Governor, as he may think the public safety and expediency may require; to James Rousseau, the sum of fifty-four dollars, and the sum of one hundred and ninety-four dollars to William S. Mitchell, in full for their services for attending and assisting in ascertaining the 35th degree of north latitude; the sum of five thousand dollars to be applied under the direction of the Governor and commissioners of the Penitentiary, toward the rearing of the said building; to Alexander Greene, the sum of eighty dollars, for keeping in order the State House and furniture for one year; to Peter Fair, the sum of sixty dollars, for winding up the clock, sweeping the lower floors, stairs, &c.; the sum of one hundred thousand dollars, under the direction of his excellency the Governor, to enable him to subscribe for the shares reserved to the state, in the Planters' Bank of the State of Georgia; to the board of state commissioners, for the town of Milledgeville, the sum of seventy-five dollars; to John B. Barnes, brigade major of the cavalry, one hundred and fifty dollars, agreeably to a concurred resolution of both branches of the Legislature for services rendered; to E. B. Jenkins, three hundred and thirty-nine dollars, agreeably to a concurred resolution: Which said several sums shall be paid out of any monies now in, or which may hereafter come into the treasury, not otherwise specially appropriated.

Military Fund.
Sums to Individuals.

Appropriation for the Penitentiary.

To Alexander Greene, and Peter Fair.

Appropriation for shares in the Planters' Bank, &c.

To E. B. Jenkins.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 40.)

AN ACT

To appropriate monies for the political year one thousand eight hundred and fourteen.

Appropriations for the year 1814.

Salary of the Governor.
His Secretaries.
Secretary of State.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That for the support of government, for the political year eighteen hundred and fourteen, the following sums of money be, and the same are hereby appropriated, viz: the Salary of the Governor shall be two thousand dollars per annum; Secretaries of the Executive Department, not exceeding two, five hundred dollars each; the Secretary of State, two*

hundred dollars; the Treasurer, twelve hundred dollars; the Surveyor General, two hundred dollars; the Comptroller General, six hundred dollars; the Clerk of the House of Representatives, three hundred dollars; the Secretary of the Senate, three hundred dollars; the Judges of the Superior Courts, fourteen hundred dollars each; the Attorney General and three Solicitors General, one hundred and fifty dollars each; which said several sums shall be, and the same are hereby appropriated for their use, to be paid quarter-yearly by warrant from the Governor on the Treasurer, out of any money not specially otherwise appropriated.

(No. 40.)
Treasurer.
Surveyor General.
Comptroller General.
Clerk of the House of Rep. and Secretary of Senate.
Judges.
Attorney and Solicitors General.

SECT. 2. *And be it further enacted*, That the sum of sixteen thousand dollars be, and the same is hereby appropriated as a contingent fund, subject to the orders of the Governor.

Contingent fund.

SECT. 3. *And be it further enacted*, That for the compensation of the members of the Legislature, three dollars each per day, during their attendance, be appropriated, and the sum of three dollars for every twenty miles in coming to, and returning from the seat of government; and the sum of four dollars each per day to the President of the Senate, and Speaker of the House of Representatives, during their attendance; and the sum of three dollars each for every twenty miles their coming to, and returning from the seat of government; to the Clerk of the House of Representatives, and Secretary of the Senate, during the sitting of the Legislature, four dollars each per day, and the sum of sixty dollars for contingent expenses, &c.; to the two engrossing Clerks, and one assistant Clerk to the House of Representatives, and two engrossing Clerks to the Senate, four dollars per day each; to the Clerk to the committee on finance, and to the Clerk of the committee on the state of the Republic, sixty dollars each; to the Messengers and Doorkeepers of the Legislature, three dollars per day each, during the session; to the Adjutant General, one thousand dollars per annum, to be paid quarter-yearly; the sum of fifty thousand dollars to be set apart as a fund for military disbursements, to be drawn for by his excellency the Governor, as he may think the public safety and expediency may require; to General Frederick Beall, the sum of fifty-six dollars and twenty-five cents; to colonel Magers Henderson, the sum of thirty-seven dollars and eighty cents, agreeably to a concurred resolution of both Houses; to Alexander Greene, eighty dollars, for airing, scouring and taking care of the State House, the desks and carpets, in the recess of the Legislature, and making fires on wet days; to Peter Fair, sixty dollars, for winding up the clock, keeping clean the staircases, passages, &c.

Pay of members of the Legislature.
President and Speaker.
Clerk and Secretary.
Engrossing Clerks, &c.
Clerks to Committees.
Messengers and Doorkeepers.
Adjutant General.
Military fund.
Sundry sums to individuals.

SECT. 4. *And be it further enacted*, That the sum of twenty thousand dollars be, and the same is hereby appropriated for the payment of the sum which the Governor has been authorized to borrow, by a concurrent resolution of the present Legislature; provided the said sum has been, or should be borrowed.

Appropriation for the payment of a sum to be borrowed.

(No. 40.) **SECT. 5.** *And be it further enacted,* That his excellency the Governor be, and he is hereby authorized, should he find it necessary, to negotiate a loan with either the Bank of Augusta, or the Planters' Bank, for a sum not exceeding fifty thousand dollars, and that the faith of the state be pledged for the repayment of this sum with the interest thereon.

Appropriation
for complet-
ing the Peni-
tentiary.

To the Mayor
and Aldermen
of Savannah.

SECT. 6. *And be it further enacted,* That the sum of six thousand dollars be, and the same is hereby appropriated, toward the rearing and completing the Penitentiary building, to be drawn for by his excellency, as he may find it necessary; to the Mayor and Aldermen of the City of Savannah, the sum of three thousand and ninety-five dollars and seventy cents, agreeably to a concurred resolution.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

(No. 41.)

AN ACT

To appropriate a sum of money for the purpose of fortifying the City of Savannah, the City of St. Mary's, and the several inlets situated between the said cities.

Appropriation
for fortifying
Savannah;

And St.
Mary's.

A block-house
to be erected
on Cumber-
land Island.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That a sum not exceeding forty-five thousand dollars be, and the same is hereby appropriated to and for the purpose of purchasing the raw materials necessary for the defence and fortification of the city of Savannah, and for the purchase of the necessary munitions of war, and not by any means for the hire of labourers, in which sum shall be included the amount heretofore advanced by his excellency the Governor for a like purpose. And that a further sum, not exceeding ten thousand dollars, be and the same is hereby appropriated to and for the purpose of purchasing the raw materials necessary for the defence and fortification of the city of St. Mary's, and for the purchase of the necessary munitions of war, and not by any means for the hire of labourers. And that the further sum of one thousand dollars each be and the same is hereby appropriated to

and for the purpose of erecting a block-house at the north end of Little Cumberland Island, one at the south end of St. Simons, one at the south end of Sappelo, one at the north end of Black Beard, one at the north end of St. Catharine's, one at the north end of Ossabau, and one at the south end of Wilmington Islands. (No. 41.)

One at the south end of St. Simons, and other places.

SECT. 2. *And be it further enacted by the authority aforesaid,* That his excellency the Governor be and he is hereby authorized to draw out of the treasury of this state, from any monies not otherwise appropriated, the said several sums of money aforesaid, and apply the same in the proportions and to the purposes aforesaid.

The Governor authorized to draw, and apply the money for said purposes.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the following persons be and they are hereby appointed commissioners to receive and apply the several sums herein appropriated to the several purposes above stated, viz.—For the city of Savannah and county of Chatham, Messrs. Joseph Habersham, Charles Harris, George Jones, James Johnston, and John Bolton, or a majority of them; for the city of St. Mary's, Messrs. William Scott, Charles Floyd, John Hardy, William Gibson, and David Lewis; for the county of Bryan, Col. John Pray, Major Lee Blacksil, and George M. Waters; for the county of Liberty, General D. Stewart, John Stevens, William Fleming, John Elliott, and Joseph Law; for the county of McIntosh, Major Francis Hopkins, James Nephew, and Thomas Spalding; and for the county of Glynn, Major William Page, John Cooper, and Leighton Wilson; and that the several sums, in the proportions and for the purposes contemplated in this law, be drawn for by warrant on the treasury, by his excellency the Governor, in their favor, so soon as they shall have given bond and security for the faithful performance of their duty in applying the same for the purposes contemplated by this law; and on receiving the same, shall render half-yearly a just and true account of the expenditure of the same, to his excellency the Governor for the time being. *Provided nevertheless,* that in case any of the commissioners herein named, shall refuse to accept, or comply with the requisitions herein contained, his excellency the Governor is hereby authorized and required to appoint other fit and proper persons in their stead under like restrictions.

Commissioners appointed to receive and apply the sums aforesaid.

Who shall give bond and security for the faithful performance of their duty, &c.
Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That his excellency the Governor shall be, and he is hereby authorized to effect a loan of what money he may

The Governor authorized to effect a loan.

(No. 41.) deem advisable for the purposes aforesaid, in the event of there being a deficiency in the treasury.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

JARED IRWIN,

President of the Senate, pro tem.

Assented to, 9th November, 1814.

PETER EARLY, GOVERNOR.

(No. 42.)

AN ACT

To appropriate monies for the political year one thousand eight hundred and fifteen.

Appropriations for the year 1815.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the support of government for the political year one thousand eight hundred and fifteen, the following sums of money be, and the same are hereby appropriated, viz.

Salary of the Governor.
His Secretaries.
Secretary of State and Treasurer.
Surveyor Gen.
Comptroller General.
Clerk of the House of Rep. and Secretary of Senate.
Judges.
Attorney and Solicitors General.

The salary of the Governor shall be two thousand dollars per annum ; Secretaries of the Executive Department, not exceeding two, five hundred dollars each ; the Secretary of State, two hundred dollars ; the Treasurer, twelve hundred dollars ; the Surveyor General, two hundred dollars ; the Comptroller General six hundred dollars ; the Clerk of the House of Representatives and Secretary of the Senate, three hundred dollars each ; the Judges of the Superior Courts, fourteen hundred dollars each ; the Attorney General and three Solicitors General, one hundred and fifty dollars each ; which said several sums shall be, and the same are hereby appropriated for their use, to be paid quarter-yearly, by warrant from the Governor on the Treasurer, out of any money not otherwise specially appropriated.

Contingent fund.

SECT. 2. *And be it further enacted,* That the sum of twenty thousand dollars be, and the same is hereby appropriated, as a contingent fund, subject to the orders of the Governor.

Pay of members of the Legislature.

SECT. 3. *And be it further enacted,* That for the compensation of the members of the Legislature, three dollars each per day during their attendance be appropriated, and the sum of three dollars for every twenty miles in coming to and returning from the seat

of government; and the sum of four dollars each per day to the President of the Senate and Speaker of the House of Representatives, during their attendance, and the sum of three dollars each for every twenty miles in coming to and returning from the seat of government; to the Clerk of the House of Representatives, and Secretary of the Senate, during the sitting of the Legislature, four dollars each per day, and the sum of sixty dollars for contingent expenses; to the two engrossing Clerks, and one assistant Clerk to the House of Representatives, and two engrossing Clerks to the Senate, four dollars each per day; to the Clerk of the committee on finance, and to the Clerk of the committee on the state of the Republic, sixty dollars each; to the Messengers and Doorkeepers of the Legislature, three dollars per day each, during the session; to the Adjutant General, twelve hundred dollars per annum, to be paid quarter-yearly; and the sum of fifty thousand dollars to be set apart as a fund for military disbursements, to be drawn for by his excellency the Governor, as he may think the public safety and expedience may require; to Alexander Greene, eighty dollars, for airing, scouring, and taking care of the State House, the desks and carpets, in the recess of the Legislature, and making fires on wet days, &c.; to Peter Fair, sixty dollars, for winding up the clock, keeping clean the staircases, passages, &c.; to John M. Patrick, the sum of eighty dollars, agreeably to a concurred and approved resolution.

(No. 42.)
President and
Speaker.

Clerk and
Secretary.

Engrossing
Clerks, &c.

Clerks to the
Committees.
Messengers &
Doorkeepers.
Adjutant
General.

Military fund.

Sundry sums
to individuals.

SECT. 4. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby appropriated toward the completing the Penitentiary building, to be drawn by his excellency as he may find necessary.

Appropriation
for the Peni-
tentiary edi-
fice.

SECT. 5. *And be it further enacted*, That the sum of twenty thousand dollars be, and the same is hereby appropriated for the repayment of that sum which his excellency the Governor has been authorized to borrow from the banks of this state; to be advanced to the Quarter Master's Department on account of the United States, by a concurred resolution of both Houses of the present Legislature; *Provided*, he should find it necessary to negotiate a loan in pursuance of said resolution.

A sum appro-
priated for the
repayment of
a loan which
the Governor
is authorized
to negotiate.
Proviso.

SECT. 6. *And be it further enacted*, That the sum of fourteen dollars and thirty cents be appropriated to Seth Williams, fifteen dollars and thirty cents to Robert Kelly, and six dollars and eighty cents to James Draughda, in full compensation for their several services in riding as expresses; and that the sum of one hundred and thirty-six dollars, seventeen and a half cents, be, and the same is hereby ordered to be repaid to Johnson and Kunzie, that amount being overpaid by them in discharging their taxes to the state; to Captain David Clark, two hundred and ten dollars, being the amount advanced by him for the purchase of a field-piece for the Jefferson County Artillery; *Provided*, that the said piece shall be the property of the state, and subject to the requisitions of the commander in chief.

Sundry appro-
priations to
individuals.

(No. 42.) SECT. 7. *And be it further enacted,* That the sum of one hundred and seventy thousand dollars be, and the same is hereby set apart, subject to the draft of his excellency the Governor, to enable him to discount and settle the direct tax of this state, agreeably to a concurred resolution of both branches of the Legislature, with such discount as the general government may propose.

\$170,000 appropriated for the settlement of the direct tax.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro. tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

(No. 43.)

AN ACT

To appropriate monies for the political year one thousand eight hundred and sixteen.

Appropriations for the year 1816.

For the salary of the Governor.
His Secretaries.
Secretary of State.
Treasurer.
Surveyor General.
Comptroller General.
Clerk of the House of Representatives, and Secretary of the Senate.
Judges.
Attorney and

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the support of government for the political year one thousand eight hundred and sixteen, the following sums of money be, and the same are hereby appropriated, viz: The salary of the Governor shall be two thousand dollars per annum; Secretaries of the Executive Department, not exceeding two, five hundred dollars each; the Secretary of State, two hundred dollars; the Treasurer, twelve hundred dollars; the Surveyor General, five hundred dollars; the Comptroller General, six hundred dollars; the Clerk of the House of Representatives, three hundred dollars; the Secretary of the Senate, three hundred dollars; the Judges of the Superior Courts, fourteen hundred dollars each; the Attorney General and three Solicitors General, one hundred and fifty dollars each: Which said several sums, shall be, and the same are hereby appropriated for their use, to be paid quarter-yearly, by warrant from the Governor on the Treasurer, out of any money not specially appropriated.

Contingent Fund.

SECT. 2. *And be it further enacted,* That the sum of sixteen thousand dollars be, and the same is hereby appropriated as a contingent fund, subject to the orders of the Governor.

SECT. 3. *And be it further enacted,* That for the compensation of the members of the Legislature, three dollars per day during their attendance be appropriated, and the sum of three dollars for every twenty miles in coming to and returning from the seat of government; and the sum of four dollars each per day to the President of the Senate and Speaker of the House of Representatives, during their attendance; and the sum of three dollars each for every twenty miles in coming to and returning from the seat of government; to the Clerk of the House of Representatives, and Secretary of the Senate, during the sitting of the Legislature, four dollars each per day; and the sum of sixty dollars for contingent expenses, &c.; to the two engrossing Clerks, and one assistant Clerk to the House of Representatives, and two engrossing Clerks to the Senate, four dollars per day each; to the Clerk of the committee on finance, and to the Clerk of the committee on the state of the Republic, sixty dollars each; to the Messengers and Door-keepers of the Legislature, three dollars per day each, during the session; to the Adjutant General, twelve hundred dollars per annum, to be paid quarter-yearly; the sum of fifteen thousand dollars to be set apart as a fund for military disbursements, to be drawn for by his excellency the Governor, as he may think the public safety and expedience may require; to Alexander Greene, eighty dollars, for airing, scouring and taking care of the State House, the desks and carpets, in the recess of the Legislature, and making fires on wet days; to Peter Fair, eighty dollars for winding up the clock, keeping clean the stair-cases, passages, &c.

(No. 43.)

Pay of Mem-
bers of the
Legislature.

President and
Speaker.

Clerk and
Secretary.

Engrossing
Clerks, &c.

Clerks of
Committees.
Messengers
and Door-
keepers.
Adjutant
General.
Military Fund.

To Alexander
Greene, and
Peter Fair.

SECT. 4. *And be it further enacted,* That the sum of one hundred dollars be appropriated for the relief of Elijah Swan, of Lincoln county, agreeably to a concurred resolution; and that twenty dollars be appropriated as a compensation to W. Y. Hansell, for acting as Clerk to the joint military committee.

\$100 for the
relief of Elijah
Swan.

\$20 to the
Clerk of the
joint military
committee.

SECT. 5. *And be it further enacted,* That the sum of fifty dollars be appropriated to William Stroud, agreeably to a concurred resolution; and the sum of twenty-five thousand dollars for completing the Penitentiary edifice, agreeably to a concurred resolution, subject to be drawn for as the exigencies of the institution may require; the sum of one hundred and ninety-five dollars, eighty-five cents, to James Patterson; fifty dollars to Nancy Houghton; and one hundred dollars each to Joel Dixon and Wm. Booth, agreeably to concurred resolutions; to John H. Mann, Clerk of Richmond Superior Court, the sum of seven dollars, for copying the decision of the Judges of the Superior Courts, which was made at Augusta, on the 13th day of January last; to Daniel Newnan, the sum of five hundred dollars, to be written off his bonds to the state for fractional surveys, agreeably to a concurred resolution.

\$50 to Wm.
Stroud.

\$25,000 for
completing
the Peniten-
tiary.

Sundry sums
to individuals.

SECT. 6. *And be it further enacted,* That the sum of one hundred and eighty-five thousand dollars, or so much as will enable his excellency the Governor to settle the

\$185,000 set
apart for the
settlement of

(No. 43.) direct tax, be, and the same is hereby set apart and appropriated for that purpose, to be paid out of the debt due by the United States to the state of Georgia, for her western lands; and that the further sum of fifty dollars be appropriated to William Stroud.

the direct
tax.

\$50 to Wm.
Stroud.

\$100 to the
widow and or-
phans of Mat-
thew G. Par-
ker.

SECT. 7. *And be it further enacted*, That the sum of one hundred dollars be, and the same is hereby appropriated to and for the temporary relief of the widow and orphans of Matthew G. Parker, who was killed at the battle of Autossee.

Appropriation
for the pur-
chase of ten
field-pieces,
&c.

SECT. 8. *And be it further enacted*, That the sum of twenty-five thousand dollars, out of the sum due and owing this state by the United States for the sale of western lands, be, and the same is hereby set apart, out of which his excellency the Governor is hereby authorized to contract with the general government for ten brass six pound field-pieces, and fifteen hundred muskets, bayonets, cartouch boxes, &c. &c.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 44.)

AN ACT

To appropriate monies for the political year one thousand eight hundred and seventeen.

Appropriations for the
year 1817.

For the salary
of the Govern-
or.

His Secreta-
ries.

Secretary of
State.

Treasurer.

Surveyor Ge-
neral. Comptroller General.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That for the support of government for the political year one thousand eight hundred and seventeen, the following sums of money be, and the same are hereby appropriated, viz: The salary of the Governor shall be two thousand dollars per annum; Secretaries of the Executive Department, not exceeding two, five hundred dollars each; the Secretary of State, two hundred dollars; the Treasurer, twelve hundred dollars; the Surveyor General, five hundred dollars; the Comptroller General, six hundred dollars; the Clerk of the House of Representatives, three hundred dollars; the Secretary of the Senate, three hundred dollars; the Judges of the Superior Courts, fourteen hun-

dred dollars each; the Attorney General, and three Solicitors General, one hundred (No. 44.) and fifty dollars each; which said several sums shall be, and they are hereby appropriated for their use, to be paid quarter-yearly, by warrant from the Governor on the Attorney, and Solicitors General. Treasurer, out of any monies not specially appropriated.

SECT. 2. *And be it further enacted,* That the sum of sixteen thousand dollars be, and the same is hereby appropriated as a contingent fund, subject to the orders of the Governor. Contingent fund.

SECT. 3. *And be it further enacted,* That for the compensation of the members of the Legislature, three dollars each per day during their attendance be appropriated, and the sum of three dollars for every twenty miles in coming to and returning from the seat of government; and the sum of four dollars each per day, to the President of the Senate and Speaker of the House of Representatives, during their attendance, and the sum of three dollars each for every twenty miles in coming to and returning from the seat of government; to the Clerk of the House of Representatives and Secretary of the Senate, during the sitting of the Legislature, four dollars each per day, and the sum of sixty dollars each for contingent expenses, &c.; to the two engrossing Clerks and one assistant Clerk to the House of Representatives, and two engrossing Clerks to the Senate, four dollars each per day; to the Clerk of the committee on finance, and the Clerk to the committee on the state of the Republic, sixty dollars each; to the Messengers and Doorkeepers of the Legislature, three dollars per day each, during the session; to the Adjutant General, twelve hundred dollars, to be paid quarter-yearly; the sum of fifteen thousand dollars to be set apart as a fund for military disbursements, to be drawn for by his excellency the Governor, as he may think the public safety and expediency may require; to Alexander Greene, eighty dollars for airing, scouring, and taking care of the State House, the desks and carpets, in the recess of the Legislature, and making fires on wet days; to Peter Fair, eighty dollars for winding up the clock, keeping clean the staircases, passages, &c. Pay of members of the Legislature. President and Speaker. Clerk and Secretary. Engrossing clerks, &c. Clerks to committees. Messengers and doorkeepers. Adjutant General. Military fund. To Alexander Greene; and Peter Fair.

SECT. 4. *And be it further enacted,* That the sum of one hundred thousand dollars, or so much as will enable his excellency the Governor to settle the fourth direct tax, if required, be, and the same is hereby set apart and appropriated for that purpose, to be paid out of the debt due by the United States to the state of Georgia, for her western lands. Appropriation for the settlement of the 4th direct tax

SECT. 5. *And be it further enacted,* That the sum of six hundred thousand dollars be, and the same is hereby appropriated, for the purpose of paying the State's subscrip- Appropriation for the payment of the

(No. 44.)

State's sub-
scription to
the State
Bank.

\$29,000 for
completing
the Peniten-
tiary.

Printing.

Adam and
Duykinck.

Appropriation
for the relief
of the widows
and orphans of
certain de-
ceased sol-
diers.

What to be
done by ap-
plicants.

tion to the Bank of the State of Georgia; and the sum of twenty-nine thousand dollars for the purpose of completing that part of the Penitentiary already begun, and having the same finished for the reception of convicts; and the sum of three thousand dollars, or so much thereof as may be necessary, to pay for the public printing during the political year 1817, and the sum of two thousand two hundred dollars to pay Adam and Duykinck, for printing and binding Clayton's Digest: and one hundred dollars to Joseph Nichols of Putnam county, agreeably to a concurred resolution.

SECT. 6. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby appropriated and set apart, under the direction of his excellency the Governor, to be equally divided between all the widows and children (say children under fourteen years of age) of those persons, citizens of this state, who were killed or died in the service of this state, or the United States, during the late war between the United States and Great Britain and the Creek Indians;—the applicants to produce a certificate from the captain, if to be found, if not, by the next highest in command, under whom the deceased person served, or two justices of the peace of the county, that they were killed or died in the service, and an affidavit of credible witnesses of the number of children, their age, &c. of each deceased;—the evidences to be laid before his excellency the Governor, on or before the first day of May next. *Provided nevertheless*, that not more than ten dollars be given to any one individual.

Appropriation
to enable the
Governor to
secure certain
shares in the
State Bank,
&c.

Sundry sums
to individuals.

SECT. 7. *And be it further enacted*, That the sum of six thousand nine hundred dollars be, and the same is hereby appropriated, under the direction of his excellency the Governor, to enable him to secure the shares subscribed for in the Bank of Georgia, by the commissioners of the Oconee navigation, and also to purchase one negro man. Said shares to be inalienable by said commissioners, and at the disposition of the General Assembly, whenever they may think proper to resume the same, and convert it to the improvement of the navigation of other rivers, agreeable to a concurred resolution. Also, the sum of ten dollars two and a half cents to Wilson Williams, of Wilkinson county, agreeable to a concurred resolution; also, the sum of fifty dollars to William Stroud, of Jasper county, agreeably to a concurred resolution of both branches of the Legislature; and the sum of twenty dollars to Abraham Mallet, sheriff of Effingham county, agreeable to a concurred resolution.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 45.)

To appropriate monies for the political year 1818.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the support of government for the political year one thousand eight hundred and eighteen, the following sums of money be, and they are hereby appropriated, viz: The salary of his excellency the Governor shall be two thousand dollars per annum; Secretaries of the Executive Department, not exceeding two, eight hundred dollars each; the Secretary of State, two hundred dollars; the Treasurer, twelve hundred dollars; the Surveyor General, five hundred dollars; the Comptroller General, eight hundred dollars; the Clerk of the House of Representatives, four hundred dollars; the Secretary of Senate, four hundred dollars; the Judges of the Superior Courts, fourteen hundred dollars each; the Attorney General and three Solicitors General, one hundred and fifty dollars each; which said several sums shall be, and they are hereby appropriated, for their use, to be paid quarter-yearly, by warrant from the Governor on the Treasurer, out of any money not specially appropriated.

Appropriations for the year 1818.
Governor's salary.
His Secretaries.
Secretary of State.
Treasurer.
Surveyor General.
Comptroller.
Clerk of the House of Rep. and Secretary of the Senate.
Judges.
Attorney and Solicitors General.

SECT. 2. *And be it further enacted,* That the sum of thirty thousand dollars be, and the same is hereby appropriated and set apart as a contingent fund, subject to the orders of the Governor.

Contingent fund.

SECT. 3. *And be it further enacted,* That for the compensation of the members of the Legislature, three dollars each per day during their attendance be appropriated, and the sum of three dollars for every twenty miles in coming to and returning from the seat of government; and the sum of four dollars each per day, to the President of the Senate, and Speaker of the House of Representatives, during their attendance, and the sum of three dollars each for every twenty miles in coming to and returning from the seat of government; to the Clerk of the House of Representatives and Secretary of Senate, during the sitting of the Legislature, four dollars each per day, and the sum of sixty dollars for contingent expenses each; to the two engrossing Clerks, and an assistant Clerk to the House of Representatives, and two engrossing Clerks to the Senate, four dollars each per day; to the Clerk of the committee on finance, and the Clerk to the committee on the state of the Republic, sixty dollars each; to the Messengers and Doorkeepers of the Legislature, three dollars per day each during the session; to the Adjutant General, twelve hundred dollars, to be paid quarter-yearly; to Alexander Greene, one hundred dollars, for airing, scouring, and taking care of the State House, desks, and carpets, in the recess of the Legislature, and making fires on wet days; to

Pay of members of the Legislature.
President and Speaker.
Clerk and Secretary.
Engrossing Clerks, &c.
Clerks of Committees.
Messengers & Doorkeepers.
Adjutant General.
Alex. Greene;

(No. 45.) Peter Fair, one hundred dollars, for winding up the clock, keeping clean the staircases, passages, &c.; to John G. Bird, Clerk to the joint committee on the penal code, adapted to the penitentiary system, the sum of thirty-five dollars.

And Peter Fair.

Appropriation for taking the 4th census of the state,

And for completing the Penitentiary.

Proviso.

SECT. 4. *And be it further enacted*, That the sum of four thousand two hundred dollars be, and the same is hereby appropriated and set apart, as a fund for the purpose of defraying the expense of taking the fourth census of this state, in terms of the constitution; and the sum of thirty thousand dollars be, and the same is hereby appropriated for the completing the Penitentiary edifice and its appertenances; and his excellency the Governor is hereby authorized to draw warrants on the Treasurer for that amount, whenever the same may be completed, or whenever the commissioners of the Penitentiary shall signify to his excellency, that in their opinion it is proper to pay over to the contractors said amount, in part or in whole: *Provided*, it shall satisfactorily appear to the Governor, that the said work has been duly executed.

Appropriations to Wm. Riley; John Leslie;

SECT. 5. *And be it further enacted*, That the sum of ninety dollars be appropriated to William Riley, and the sum of eighty dollars to John Leslie, agreeably to a concurred resolution.

And others.

SECT. 6. *And be it further enacted*, That the Clerk of the House of Representatives be, and he is hereby authorized to employ a clerk to enrol the penal code, and that he be allowed thirty-five dollars for his services; and the further sum of eight hundred and seventy-five dollars to Henry and N. G. Robinson, agreeably to a concurred resolution; to William Stroud, of Jasper county, one hundred dollars as a temporary relief; to Joseph Nichols, of Putnam county, one hundred dollars; and to Samuel Gibson one hundred dollars.

Governor to have certain individuals placed on the pension list of the general government.

SECT. 7. *And be it further enacted*, That his excellency the Governor be requested to cause the said William Stroud, Joseph Nichols, and Samuel Gibson, to be placed on the pension list of the general government; and all other persons in this state, similarly situated, are requested to furnish his excellency the proper vouchers to enable him to have them all placed on the pension list of the United States, and on failure so to do, no further provision will be made for them.

Appropriation for the relief of the widows and orphans of certain soldiers.

SECT. 8. *And be it further enacted*, That the sum of two thousand dollars be, and it is hereby appropriated, subject to the drafts of his excellency the Governor, for the purpose of affording relief to such widows and orphans of citizens of this state, who fell during the late war, as have not hitherto received the relief intended by the Legislature, and the widows and orphans of such soldiers who may have died, after being discharged,

from any disease or wounds they may have received or contracted while in service as (No. 45.) aforesaid.

SECT. 9. *And be it further enacted,* That the sum of forty dollars be appropriated to, and in favour of, the widow and orphans of John Crawford; and that the sum of twenty dollars be appropriated to, and in favor of, the widow and orphans of Reuben Coffee; and that the sum of ten dollars be appropriated to, and in favor of, the widow of Jacob Brown; and that the sum of thirty dollars be appropriated to Milley Edwards and her two children, the heirs and widow of Jacob Edwards, deceased: *Provided nevertheless,* Sundry sums to certain widows and orphans. *Provide,* that no widow or orphan that has heretofore received any compensation, as such, under any law, nor under any provision that may hereafter be made in favour of such widow and orphans as have now been provided for, or who have heretofore received compensation as such from this state.

SECT. 10. *And be it further enacted,* That the sum of five thousand dollars be, and the same be appropriated, subject to the drafts of the Governor, for paying the officer and the guard of the Penitentiary, and to defray the expense of bringing convicts to the Penitentiary. Appropriation for paying the Penitentiary guard and officers, &c.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 46.)

AN ACT

To appropriate monies for the political year 1819.

Appropriations for the year 1819.

Salary of the Governor.
His Secretaries.
Secretary of State.
Treasurer.
Surveyor General.
Clerk of the House of Representatives and Secretary of the Senate.
Judges.
Attorney and Solicitors General.

Contingent fund.

Pay of members of the Legislature.

President and Speaker.

Clerk and Secretary.

Engrossing Clerks, &c.

Clerks of committees.
Messengers & Door-keepers.
Adjutant General.
Alex. Greene;

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That for the political year one thousand eight hundred and nineteen, the following sums of money be, and the same are hereby appropriated, viz: The salary of his excellency the Governor, shall be two thousand dollars per annum; Secretaries of the Governor, not exceeding two, one thousand dollars per annum; the Secretary of State, two hundred dollars; the Treasurer, twelve hundred dollars; the Surveyor General, five hundred dollars; the Comptroller General, eight hundred dollars; the Clerk of the House of Representatives, six hundred dollars; the Secretary of the Senate, six hundred dollars; the Judges of the Superior Courts, fourteen hundred dollars each; the Attorney General and three Solicitors General, one hundred and fifty dollars each: Which said several sums shall be, and they are hereby appropriated for their use, to be paid quarter-yearly by warrant from the Governor on the Treasurer, out of any money not specially appropriated.*

SECT. 2. *And be it further enacted, That the sum of thirty thousand dollars be, and the same is hereby appropriated and set apart as a contingent fund, and two hundred thousand dollars as a land fund, subject to the orders of the Governor.*

SECT. 3. *And be it further enacted, That for the compensation of the members of the Legislature, five dollars each per day during their attendance be appropriated, and the sum of five dollars for every twenty miles in coming to and going from the seat of government; and the sum of seven dollars each per day to the President of the Senate and Speaker of the House of Representatives during their attendance, and the sum of five dollars each for every twenty miles in coming to, and going from the seat of government; to the Clerk of the House of Representatives and Secretary of the Senate, during the sitting of the Legislature, six dollars each per day, and the sum of sixty dollars for contingent expenses each; to the two engrossing Clerks and an assistant Clerk in the House of Representatives, and two engrossing Clerks in the Senate, six dollars each per day; to the Clerk of the committee on finance, and the Clerk of the committee on the state of the Republic, eighty dollars each; to the Messengers and Door-keepers of the Legislature, five dollars each per day during the session; to the Adjutant General, eighteen hundred dollars, to be paid quarter-yearly; to Alexander Greene, one hundred and twenty-five dollars, for airing, scouring, and taking care of the State House, desks and carpets, in the recess of the Legislature, and making fires on wet days;*

to Peter Fair, one hundred and twenty-five dollars for winding up the clock, keeping (No. 46.)
clean the staircases, passages, &c. And Peter Fair.

SECT. 4. *And be it further enacted*, That the sum of twenty-five thousand dollars §25000 appropriated to the Penitentiary.
be, and the same is hereby appropriated, for the completing of the Penitentiary edifice, and its appertenances; and his excellency the Governor is hereby authorized to draw warrants on the treasury for that amount, whenever the same may be completed, or whenever the commissioners of the Penitentiary shall signify to his excellency, that in their opinion it is proper to pay over to the contractors said amount in part or in whole: *Provided*, it shall satisfactorily appear to the Governor, that the said work has been duly Proviso.
executed; the sum of one hundred dollars per year for each of the commissioners of the Penitentiary.

SECT. 5. *And be it further enacted*, That the following sums of money be appropriated to the persons, and for the purposes hereinafter mentioned, viz: The sum of eight dollars to the Clerk of the House of Representatives, to remunerate him for employing an extra clerk, to copy the land bill, to be printed for the use of the members of the House, in pursuance of its order; the sum of fourteen dollars and sixty-two and a half cents to James Lindsey, it being the balance due him for taking the census of Wilkinson county; the sum of fifty dollars to Franklin C. Heard, clerk to the joint military committee; to John Burch, clerk of the joint land committee, the sum of forty dollars; and fifty dollars to Daniel Sturgess for drawing maps, for the use of the Legislature, of the lands acquired from the Creek and Cherokee Indians. Sundry sums to individuals.

SECT. 6. *And be it further enacted*, That one hundred and twenty-five thousand dollars be, and the same is hereby appropriated, to pay the first instalment in the Bank of Darien. Appropriation for paying the first instalment in the Darien Bank.

SECT. 7. *And be it further enacted*, That five thousand dollars shall be, and the same is hereby appropriated, for the further improvement of the river Altamaha, to be expended in the improvement of said river, in such manner as the commissioners of said river, or a majority of them, shall think most advantageous; to Abner Lockett the sum of eighty dollars, agreeably to a concurred resolution; and that fifty dollars be appropriated to James Barbur, for his attention and nursing Solomon Kid, as was agreed to by concurred resolution; to Thomas Woodward and James C. Watson, five hundred dollars, for arresting and bringing to justice Jesse Trawick, who had escaped from Pu- Also for the improvement of the river Altamaha. Sundry sums to individuals.

(No. 46.) laski jail, when charged with the crime of murder, agreeably to concurred resolution: Which said several sums are hereby appropriated out of any monies in the treasury not otherwise appropriated.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 47.)

AN ACT

To appropriate monies for the political year eighteen hundred and twenty.

Appropriations for the year 1820.
Salary of the Governor.
His Secretaries.
Secretary of State.
Treasurer.
Surveyor General.
Comptroller.
Clerk of the House of Representatives.
Secretary of the Senate.
Judges.
Attorney and Solicitors General.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That for the support of government for the political year one thousand eight hundred and twenty, the following sums of money be, and they are hereby appropriated, viz: The salary of his excellency the Governor shall be three thousand dollars per annum; Secretaries of the Governor, not exceeding three, one thousand dollars each per annum; the Secretary of State, two hundred and fifty dollars; the Treasurer, fifteen hundred dollars; the Surveyor General, five hundred dollars; the Comptroller General, one thousand dollars; the Clerk of the House of Representatives, six hundred dollars; the Secretary of the Senate, six hundred dollars; the Judges of the Superior Courts, twenty-one hundred dollars each; the Attorney General and five Solicitors General, two hundred and twenty-five dollars each: Which said several sums shall be, and they are hereby appropriated for their use, to be paid quarter-yearly, by warrant from the Governor on the Treasurer, out of any money not specially appropriated.*

Pay of members of the Legislature.

President and Speaker.

Clerk and Secretary.

SECT. 2. *And be it further enacted, That for the compensation of the members of the Legislature, four dollars each per day, during their attendance, be appropriated. and the sum of four dollars for every twenty miles in coming to and going from the seat of government; and the sum of six dollars each per day, to the President of the Senate and Speaker of the House of Representatives, during their attendance, and the sum of four dollars each for every twenty miles in coming to, and going from, the seat of government; to the Clerk of the House of Representatives, and Secretary of the Senate, during the sitting of the Legislature, six dollars each per day, and the sum of sixty dollars*

for contingent expenses each; to the two engrossing Clerks and an assistant Clerk in the House of Representatives, and two engrossing Clerks in the Senate, six dollars each per day; to the Clerk of the committee on finance, and the Clerk of the committee on the state of the Republic, eighty dollars each; to the Messengers and Doorkeepers of the Legislature, four dollars each per day, during the session; to the Adjutant General, eighteen hundred dollars, to be paid quarter-yearly; to Alexander Greene, one hundred and twenty-five dollars, for airing, scouring, and taking care of the State House, desks, and carpets, in the recess of the Legislature, and making fires on wet days; to Peter Fair, one hundred and twenty-five dollars, for winding up the clock, keeping clean the staircases, passages, &c.

(No. 47.)
Engrossing
Clerks, &c.
Clerks to
Committees.
Messengers
and Door-
keepers.
Adjutant
General.
Alex. Greene.
Peter Fair.

SECT. 3. *Be it further enacted*, That the sum of fifty thousand dollars be, and the same is hereby appropriated and set apart as a contingent fund, subject to the orders of the Governor.

Contingent
Fund.

SECT. 4. *And be it further enacted*, That the Governor be, and he is hereby authorized and required to draw his warrant on the Treasurer, in favour of the executors of Col. Bedney Franklin, for the sum of five per centum on the amount actually collected and paid into the treasury by said Colonel Bedney Franklin, or by any other person for him, which shall be in full of his services as to the amount paid into the treasury; and until a final settlement with the Treasurer of this state, on account of bonds received by the said deceased for collection.

5 per cent. al-
lowed to the
executors of
Col. Franklin,
on the amount
of money paid
by him, (or by
any person for
him,) into the
treasury.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the following sums be, and they are hereby appropriated, viz. to Abraham P. Jones, the sum of four hundred and sixty dollars, agreeably to a concurred resolution; to Thomas M. Bradford, thirteen hundred and seventy-five dollars, agreeably to a concurred resolution, and the sum of two hundred dollars to the honourable John M. Dooly, and fifty dollars to Duncan G. Campbell, in pursuance of a concurred resolution; also the sum of two thousand dollars for the purpose of erecting a grammar school-house at Athens, in pursuance of a concurred resolution; to Caty Thrift, widow of William Thrift, and her three children, the sum of ten dollars each, agreeably to a concurred resolution; and that the sum of one hundred dollars be, and the same is hereby appropriated, to and for the use of Martha Lyon and her nine children, widow and orphans of John Lyon, late of Elbert county, deceased, agreeable to a concurred resolution of both branches of the General Assembly; to Messrs. Camak and Hines, seventy dollars for extra printing, agreeable to a concurred resolution; to Daniel Sturgess, ten dollars for drawing the map of the late acquired territory, for the information of the land committee; to Joseph Cook, two hundred dollars, agreeable to a concurred resolution; and four thousand

Sundry sums
to individuals,
named in this
section.

\$2000 appro-
priated for
erecting a
grammar
school-house
at Athens.

(No. 47.) dollars to close the accounts of the building commissioners of the Penitentiary, it being a sum that has been heretofore appropriated, but drawn for other purposes; to A. Summers, jailor of Twiggs county, the sum of seventeen dollars sixty-two and a half cents, for apprehending and bringing to jail the body of Henry Goff, and attending the prosecution and imprisonment of said Goff; and a sufficient sum to provide for the necessary improvements and repairs on the house and lot owned by the state, and occupied by the Governor, to be drawn for by the Governor, out of the contingent fund for that object: Which said several sums are appropriated out of any monies in the treasury, not otherwise appropriated.

The house and lot occupied by the Governor, to be repaired.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 20th December, 1819.

JOHN CLARK, GOVERNOR.

ATTACHMENTS.

AN ACT*

1814.

(No. 48.)

To amend an act, entitled "An act to regulate Attachments in this State," passed the 18th day of February, 1799.

WHEREAS the above recited act has been found by experience to be inadequate to Preamble.
the complete effectuation of the purposes intended, and to require amendment:

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That where any sheriff or constable shall levy any attachment on personal property, claimed by any person not a party to such attachment, such person, his agent or attorney, shall make oath to such property: and it shall be the duty of such sheriff or constable to return the fact of such claim to the court to which the attachment shall be made returnable; and such court shall cause an issue to be joined between the plaintiff and such claimant, and the right of property to be decided on by a jury at the same term, unless sufficient cause be shown to induce the court to continue the same: *Provided*, the person claiming such property, his agent, or attorney, shall give bond, (to the sheriff or constable serving such attachment,) with security in a sum equal to the amount of such attachment, conditioned to pay to the plaintiff all damages which the jury, on the trial of the right of property, may assess against such claimant, in case it should appear that such claim was made for the purpose of delay. And every juror on the trial of such claim shall be sworn, in addition to the oath usually administered, to give such damages as may seem reasonable and just to the plaintiff against the claimant, in case it shall be sufficiently shown that such claim was intended for the purpose of delay only: and it shall be lawful for the plaintiff to enter up judgment, and have execution Judgment.

Claims to personal property attached, how put in, returned and tried.

Proviso.

Claimant, his agent or attorney, to give bond and security.

Jurors, how sworn in such cases.

* See the act following this; which authorizes the issuing of attachments when the debt is not due, &c.

(No. 48.) against such claimant, for the amount of such verdict; and where the jury shall find the property not subject to the attachment, the claimant may enter up judgment, and have execution against the plaintiff for the costs by him incurred in establishing his claim.

Land not subject to attachments issuing, &c. out of the county in which it lies. Claims to land attached, regulated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That land or real estate shall not be subject to be attached under or by virtue of any attachment issuing and returnable out of the county in which such land is situate: and in all cases of claims to land, levied on by virtue of any attachment, the proceedings shall be the same, as those pointed out by the preceding section for claims to other property; except that such claim shall be returned to, and tried in the Superior Court of the county where the land is situate.

A garnishee not compelled to answer out of the county in which he lived, when the attachment was served.

Bonds, notes, &c. of the absent debtor, in the hands of the garnishee, how disposed of.

SECT. 3. *And be it further enacted by the authority aforesaid,* That no person who may be summoned as garnishee, shall be compelled to answer to any attachment out of the county in which such garnishee lived at the time of serving such attachment; and where any garnishee shall return that he has in his hands a note or notes, bond or bonds, or other evidences of debt belonging to the absent debtor, the same shall be forthwith deposited with the clerk of the court in which the attachment is pending, subject to the order of said court; and after the plaintiff shall have established his demand against the absent debtor, the court may in its discretion direct the clerk to deliver to the plaintiff in such attachment, his agent or attorney, such note or notes, bond or bonds, or other evidence of debt, or so much thereof as will be sufficient to discharge the amount of the demand, which the plaintiff shall have established against the defendant, taking a receipt therefor, which receipt shall be filed with the papers appertaining to such attachment, and shall be considered as a payment to that amount, unless the plaintiff shall make it appear that after due diligence used by him he was unable to collect the amount; and where the evidence so deposited is of a debt greater than the plaintiff's demand, and will not admit of division, the court shall order the same to be sued for, in such manner as will, in their discretion, best ensure recovery; and the money when collected to be deposited with the clerk of the court in which the attachment is pending, a part to be applied to the discharge of the amount due the attaching creditor, the balance to remain subject to the future order of said court.

In what manner the evidence of a debt returned by a garnishee shall be disposed of, when it exceeds the plaintiff's demand, and cannot be divided.

No attachment shall abate by the death of either party, where the cause of action would survive.

When a plaintiff in attach-

SECT. 4. *And be it further enacted by the authority aforesaid,* That no suit, by way of attachment, shall abate by the death of either party, where the cause of action would survive to the executor or administrator, but such death being suggested on the record, the cause shall proceed, under the restrictions and regulations following: when a plaintiff in attachment shall die, the executor or administrator of such plaintiff shall, within six months after the probate of the will, and obtaining letters testamentary, or obtaining letters of administration, cause to be issued by the

clerk of the court in which such attachment is pending, a *scire facias*, returnable to the next term of the said court, giving notice of his intention to become a party in the place and stead of the deceased testator or intestate, which shall be published at the door of the court-house, in the county in which such attachment is pending, by the sheriff of said county, at least twenty days prior to the term at which such *scire facias* is made returnable; which being done, such executor or administrator may, on motion, be made party plaintiff, and the cause proceed; and where the defendant shall die, *scire facias* shall issue in manner aforesaid, immediately after the expiration of twelve months, which *scire facias* shall contain a notice to the legal representatives of the defendant, whether executor or administrator, of the pendency of such attachment, and of the intention of the plaintiff to proceed with the same; which being published in like manner, it shall be lawful for the plaintiff to proceed with his attachment, as if such death had not taken place: *Provided nevertheless*, that the executor or administrator of the defendant may appear at the return of the *scire facias*, and upon giving security in terms of the act to which this is amendatory, shall be permitted to plead and defend the said attachment, in the same manner that his testator or intestate might have done.

(No. 48.)

ment shall die,
parties, how
and when
made.

Parties, how
and when
made, when
the defendant
shall die.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid*, That in cases of attachments pending in justices' courts, where either party shall die, such attachment shall not abate, but a notice of the intention of the representatives of the plaintiff, whether executor or administrator, to proceed, being published at the house where such justices' courts are holden, by the constable of the district, ten days before the time at which parties are to be made, such parties shall therefore be made, and the cause proceed.

How parties
shall be made
in justices'
courts, when
either party
to an attach-
ment shall die.

SECT. 6. *And be it further enacted by the authority aforesaid*, That where any witness resides out of this state, or out of the county in which any attachment may be pending, and in which his testimony may be required, it shall be lawful for the plaintiff, on filing interrogatories in the office of the clerk of the court where such attachment is pending, and publishing a notice at the door of the court-house of said county, that such interrogatories are filed, to obtain a commission in like manner as is prescribed by the 23d section of the Judiciary Act of 1799, for taking testimony in other cases.

Interrogato-
ries allowed
and regulated
in attachment
cases, when a
witness lives
out of the state
or county.

SECT. 7. *And be it further enacted by the authority aforesaid*, That in all cases the attachment first served shall be first satisfied.

The attach-
ment first
served, first
satisfied.

SECT. 8. *And be it further enacted by the authority aforesaid*, That no lien shall be created by the levying of an attachment, to the exclusion of any judgment obtained by any creditor, before judgment is obtained by the attaching creditor.

No lien creat-
ed to the ex-
clusion of old-
er judgments.

(No. 48.) SECT. 9. *And be it further enacted by the authority aforesaid, That so much of the*
 Repealing before recited act as may be repugnant to this act, be, and the same is hereby re-
 clause. pealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

(No. 49.) AN ACT

In addition to, and amendatory of, An act to regulate Attachments in this State.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That every at-*
 Property at- attached may be restored to the defendant upon his giving security in double the debt, &c.
 Or defendant may file his defence to the declaration.
 attachment hereafter sued out, the property attached may be restored to the person or persons against whom the attachment may have issued, upon the defendant or defendants giving good and sufficient security to the officer serving the said attachment, in double the debt or demand for which the said attachment may have been issued and granted; or the said defendant or defendants may file his, her, or their defence, to the petition or declaration of the attaching creditor or creditors, and enter into the same defence as if the property attached had been replevied.

SECT. 2. *And be it further enacted, That when a debt is not due, and the debtor or debtors is or are removing, or is or are about to remove without the limits of this state, and oath being made by the creditor, his agent or attorney, of the amount of the debt to become due, and the debtor or debtors is or are removing, or about to remove without the limits of this state, an attachment may issue against the property of such debtor, or debtors; but the defendant may relieve his property by giving to the creditor good security to pay the money when due, and cost.*
 Attachment may issue in certain cases when a debt is not due.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases (No. 49.) where an attachment may issue against any person absent, that on the trial of the same any person may act as a friend, give good special bail, and by himself or attorney, plead and defend the suit in the same manner as though the defendant was personally present and do it himself.

A friend of an absent debtor may give special bail, and defend any attachment against him.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

BANKS, INCORPORATED.

1811.

(No. 50.)

AN ACT

To amend "An act to incorporate the Planters' Bank of the State of Georgia, and for other purposes," passed the 19th day of December, 1810, also to provide against embezzlement and forgeries.

Preamble.

WHEREAS, subscribers to the Planters' Bank of the state of Georgia, and others interested in the welfare of said bank, by their petition pray, that the charter of the said bank be so amended, as to make it more useful to the public, and with greater facility carried into execution: And whereas the amendments proposed in the said petition will forward the establishment and operations of the said institution;

Capital stock.
1000 shares
reserved for
the state.

If taken, the
state entitled
to appoint two
directors.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the capital stock of the said bank shall be one million of dollars, to be divided into ten thousand shares of one hundred dollars each; of which one thousand shares shall be reserved until the first day of January, one thousand eight hundred and thirteen, on the original terms, then, or at any prior time to be taken by the state, according to the pleasure of the legislature; whereby the state, at any subsequent election, shall be entitled to the appointment of two directors; and if they be not then taken by the state, to be disposed of in manner herein after provided.

Capital stock
and property
of the bank
subject to tax-
ation.
Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the capital stock of the said bank, and every other property, real or personal, which it may hereafter acquire and hold, shall be subject to a taxation not exceeding the ratio of other taxable property in this state; *Provided,* the corporation of the city of Savannah shall not have the power to tax said bank stock, but may tax any property, real or personal, which said bank may acquire, in the ratio of taxation against the like property in the said city.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the subscription (No. 50.) already opened in the city of Savannah, shall continue until the first day of December* next, under the superintendence of the present commissioners, to wit, Charles Harris, John Bolton, James Johnston, Edward Swarbrick, William B. Bulloch, John Caig, George Anderson, Edward Stebbins, John P. Williamson, Ebenezer Stark, William Mein, John M. Berrien, Andrew Lowe, John Cumming, and Zachariah Miller, a majority of whom shall be competent to the discharge of their duties; until which day it shall and may be lawful for any person or copartnership, being citizens of the United States, corporation, or body politic, to subscribe for any number of shares, not exceeding one hundred, except as provided aforesaid in relation to the state: *Provided,* that if the whole number of shares be not taken up on or before the first day of December next, then, and in that case, it shall and may be lawful for any person or copartnership, being citizens of the United States, corporation, or body politic established in the United States, to subscribe for any number of shares, unsubscribed for as aforesaid, and the sums to be respectively subscribed for shall be payable in manner following, viz. ten per cent. at the time of subscribing, and twenty per cent. on or before the first day of January next ensuing the said subscription, and the balance of the sums so subscribed at such time as the same shall be required by the directors: *Provided,* that sixty days previous notice of the time at which such payment is required to be made, be given in the gazettes at the city of Savannah.

Subscriptions now opened in Savannah, shall continue until the 1st of December next, under the superintendence of certain commissioners.

A majority competent to act.

Who may subscribe, and what number of shares may be subscribed for.

Proviso.

Subscriptions how payable.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the present stockholders, who have heretofore subscribed for shares, and paid ten per cent. at the time of subscribing, shall, upon thirty days notice given by the commissioners, and published in the gazettes of Savannah, be required to pay the further sum of twenty per cent. upon the sum before subscribed.

Present stockholders who have paid 10 per cent. at the time of subscribing, required to pay 20 per cent. more upon being given.

on the sum before subscribed for, upon 30 days notice

SECT. 5. *And be it further enacted by the authority aforesaid,* That the stock which shall remain unsubscribed for, or the instalments which shall remain unpaid on the day appointed for the election of directors, such stock shall thereafter be disposed of, or such further instalment be called in by such persons, at such time, and under such regulations as to payment of instalments, or number of shares to be subscribed for on the

* See the act following this; which limits the time of keeping open said subscriptions, until the 25th of the (then) present month.

(No. 50.) unsold stock by any one person, copartnership or body politic, as shall be ordered and published by the said directors.

Persons failing to pay any sum required by this act, or by the directors, shall forfeit their shares.

Forfeited shares, how disposed of; Money paid thereon, to enure to the Bank.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if there shall be a failure in the payment of any sum to be paid by any person, copartnership, or body politic, when the same is required to be paid by this act, or when it shall be required to be paid by the directors, the share or shares upon which such failure shall happen or accrue, shall be for such failure forfeited, and may be again sold and disposed of in such manner as the directors shall order or provide, and the sums which may have been paid thereon shall enure to the benefit of the said corporation.

Thirteen directors to be elected when \$30,000 in specie shall have been paid.

And on the first Monday in January, in every year thereafter.

How elected.

After each election, a president to be chosen by the directors, out of their own body.

Vacancies, how filled.

Proviso.

The commissioners to publish a notice when \$30,000 in specie shall have been paid on account of subscriptions;

And to give notice 30 days beforehand of the time and place of holding an election for directors. Directors to receive

SECT. 7. *And be it further enacted by the authority aforesaid,* That for the well ordering the affairs of the said corporation, there shall be thirteen directors, who shall be elected as soon as thirty thousand dollars, in gold and silver coin, shall have been received on account of the subscription for the said stock, and on the first Monday in January, in each and every year thereafter, by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of votes actually given in; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the first Monday in January next ensuing the time of such election, and no longer; and the said directors, at their first meeting after each election, shall choose one of their number as president; and in case of his death, resignation, removal from the state, or from the board of direction, the said directors shall proceed to fill the vacancy, by a new election for the remainder of the year: *Provided always, and be it further enacted,* That as soon as the sum of thirty thousand dollars, in gold and silver, shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given by the commissioners herein before named, in the gazettes of the city of Savannah and Augusta; and the commissioners shall at the same time, in like manner, notify a time and place within the said city of Savannah, at the distance of thirty days at least from the date of such notification, for proceeding to the election of directors; and it shall be lawful for such to be then and there made, and the persons who shall be then and there chosen shall be the first directors, and shall receive from the said commissioners the nett proceeds, after deducting expenses, which may be in their hands, and shall be capable of acting by virtue of such choice, until the end or expiration of the first Monday in January, next ensuing the time of making the same; and shall forthwith thereafter commence the nett proceeds which may be in the hands of the commissioners. The operations of the Bank, when to commence.

the operation of the said Bank at the said city* of Savannah: *And provided further,* (No. 50.) That in case it should at any time happen that an election of directors should not be made upon any day, when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the bye-laws of the said corporation: *And provided,* that in case of the death, resignation, absence from the state, or removal of a director, his place may be filled up by a new choice for the remainder of the year, by the remaining directors.

Proviso.
In case any election of directors should not take place on the proper day; the corporation not therefore dissolved. May hold an election on any other day.
Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations, and provisions, shall form and be fundamental articles of the constitution of the said corporation:

Fundamental rules.

1st. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion, that is to say; for one share, one vote, for two shares and not exceeding five, two votes; for every five shares above five, one vote; *Provided,* that no person, corporation, or body politic or corporate, shall be entitled in his, her or their own right, to more than sixty votes; and after the first election no share or shares shall confer a right of suffrage which shall not have been holden and transferred, according to the rules of the bank, three calendar months previous to the day of election.

What number of votes each stockholder shall be entitled to.

Proviso.
No one entitled to more than 60 votes in his own right.

2d. None but a stockholder entitled in his own right to twenty shares, and being a citizen of the state, and not being a director of any other bank, shall be eligible as a director; and if any one of the directors, after being elected, shall at any time during the term for which he shall have been chosen cease to be a stockholder, his seat shall thereupon become vacated, and the remaining directors, or a majority of them, shall, at their next meeting, pass an order declaring him no longer to be a director.

Who shall be eligible as a director.

When a director ceases to be a stockholder, his seat vacated.

3d. That the stockholders shall make such compensation to the president for his services as shall appear to them reasonable.

Salary of the President.

* See act of 1814, No. 52, authorizing the board of directors, &c. to remove from Savannah, and transact business in any part of the state, under certain circumstances.

(No. 50.)

How many,
and who, shall
constitute a
board.

4th. Not less than five directors shall constitute a board for the transactions of business ; of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any director whom he by writing under his hand shall nominate for the purpose.

Not less than
20 directors,
holding in the
aggregate 200
or more shares
shall call a
meeting.

Sixty days no-
tice to be

given, specifying the purpose of the meeting.

5th. A number of stockholders, not less than twenty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a meeting of the stockholders, for purposes relative to the institution, giving at least sixty days notice in the gazettes of the city of Savannah and Augusta, specifying in such notice the object or objects of such meeting.

The cashier
and other offi-
cers of the
bank (except
the president)
to give bond
and security,
such as the
directors shall
approve.

6th. The cashier or treasurer of the bank for the time being, and all other officers appointed by the directors (except the president) before he or they enter upon the duties of his or their office, shall give bond with two or more securities, to the satisfaction of the directors, in such sum or sums as shall be required by the said directors, with condition for his or their good behaviour and a faithful discharge of duty.

In what cases,
and for what
purposes, the
bank may hold
real property.

How it may be
disposed of.

7th. The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, and such as shall have been bona fide mortgaged to it as security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. And in every instance in which the said company may become owners or claimants of lands, tenements, or hereditaments, the board of directors are empowered to sell or dispose of the same in such manner as they shall deem beneficial, to the use of the said company.

Total amount
of debts which
the bank may
owe, not to
exceed three
times the
amount of
capital stock,
&c.

The directors
under whose
administration
an excess shall
happen, made
liable in their
individual ca-
pacities.

Property, real
and personal,
of the corpo-

8th. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed three times the amount of their capital stock, over and above the amount of specie actually deposited in their vaults for safe keeping. In case of excess, the directors under whose administration it shall happen, shall be liable for the same in their individual, natural, and private capacities ; and an action of debt may in such case be brought against them or any of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding ; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods and chattels of the same from being also liable for and chargeable with the said excess ; and such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or

act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by having their dissent, if present, entered on the minutes of the said corporation. (No. 50.)

ration, also liable for any excess.
Directors who were absent when the excess was created, or who dissented from the measure that occasioned it, may exonerate themselves by having their dissent entered on the minutes.

9th. The directors shall have power to issue to the subscribers their certificates of stock, which shall be transferable on the books of the cashier only by personal entry of the stockholder, his legal representative, attorney, guardian or trustee, duly authorized for that purpose. Directors may issue certificates of stock to subscribers. How stock shall be transferred.

10th. That the stockholders at their meeting shall vote in person or by attorney duly authorized for that purpose, which power shall be executed in the presence, and to be certified by a justice of the peace or notary public of the county or state where the shareholder resides; and minors or feme coverts shall vote by his, her or their guardian or trustees duly authorized. Stockholders to vote in person, or by attorney duly authorized. Infants and feme coverts, how to vote.

11th. The company shall in no case, directly or indirectly, be concerned in commerce or insurance, or in the importation or exportation, purchase or sale, of any goods, wares or merchandize whatever, (bills of exchange, notes and bullion only excepted,) except such goods, wares or merchandize as shall be truly transferred, conveyed or pledged to them, by way of security for money actually loaned and advanced, or for debts due, owing or growing due to the said corporation, or purchased by them to secure such debts so due to the said corporation, or to indemnify and secure the said corporation for advances to be made or notes to be discounted, or to effect the insurance on the property that may belong or be thus pledged to the said company for its security. The company not to be concerned in commerce, or insurance, &c. Exception. Goods, wares, and merchandize may be pledged to them as security in certain cases.

12th. The bill obligatory and of credit, notes and other contracts whatever on behalf of the said corporation, shall be binding and obligatory upon the said company; *Provided*, the same be signed by the president, and countersigned or attested by the cashier, of the said corporation; and the funds of the said corporation shall in no case be liable for any contract or engagement whatever, unless the same shall be so signed and countersigned or attested as aforesaid; and the books, papers and correspondence, and the funds of the company, shall at times be subject to the inspection of the board of directors and stockholders, when convened according to the provision of this act. Bills, notes, &c. binding on the corporation. Proviso. Funds of the bank not liable for any contract, &c. unless the same be signed by the president and countersigned of directors.

13th. Dividends of the profits of the corporation, or of so much thereof as shall be deemed expedient and proper, shall be declared and paid half-yearly, (the first half after the bank shall have been in operation excepted;) and the said dividends shall, from time to time, be determined by a majority of the directors, at a meeting to be held for Dividends, when and in what manner to be declared and paid.

(No. 50.) that purpose, and shall in no case exceed the amount of the nett profits actually acquired by the corporation; so that the capital stock thereof shall never be impaired.

Not to exceed the nett profits. Capital stock, not to be impaired.

A book of entries to be kept by the directors.

14th. The directors shall keep fair and regular entries, in a book to be provided for that purpose, of their proceedings; and on any question, when two directors shall require it, the yeas and nays of the directors voting shall be duly inserted on their minutes, and those minutes be at all times, on demand, produced to the stockholders when at a general meeting the same shall be required.

Charter limited to the 1st day of January, 1841.

When the company shall cease its operations, except such as may be necessary to settle the affairs of the institution.

15th. The corporation shall exist and continue until the first day of January, one thousand eight hundred and forty-one; when it shall cease from discounting or making further emoluments as a corporation: *Nevertheless*, the said corporation shall continue after the expiration of its charter, until the concerns and claims of the said bank are finally settled and wound up, so as to enable the said bank to appear as plaintiff or defendant, and obtain by suit or otherwise, a settlement and liquidation of its outstanding demands, and in no ways to acquire new property or profits by discount or otherwise.

Embezzlement of the effects, &c. of the bank, by any director, officer, or servant thereof, declared to be simple grand larceny; and punishable as such.

The security, and property of the offender liable, notwithstanding any prosecution under this act.

SECT. 9. *And be it further enacted by the authority aforesaid*, That if any president, director, officer, or servant of the said Planters' Bank of the state of Georgia, shall secrete, embezzle, or convert to his own use, any note, bill, obligation, security money or effects, belonging to the said bank, or deposited there by any other person, every person so intentionally offending, shall be guilty of simple grand larceny, and being thereof convicted, shall suffer the same punishment, and undergo the same sentence and judgment as provided for by law, to be passed against a person convicted of such grand larceny. But the property of the offender shall, nevertheless, be responsible as well as his security, notwithstanding any prosecution under this act.

Forging, counterfeiting, altering, &c. any bill, note, &c. of the bank, how punished.

SECT. 10. *And be it further enacted by the authority aforesaid*, That if any person or persons,* shall forge, counterfeit, or alter, or fraudulently utter any note, bill, obligation, or other security of the Planters' Bank of the state of Georgia, or pay, or tender in payment, or offer to pass any forged, counterfeited, or altered note, bill, obligation, or other security of the said bank, knowing the same to be forged, counterfeited, or altered, and shall thereof be convicted, shall suffer death or such other punishment as may hereafter be pointed out by law.

* See the Penal Code of 1817. "Forgery and Counterfeiting."

SECT. 11. *And be it further enacted by the authority aforesaid,* That if any person (No. 50.) shall forge,* alter, or counterfeit any letter of attorney, order, or other instrument, to transfer or convey any share or shares of stock in the Planters' Bank of the state of Georgia, or to receive the same, or any dividend or part thereof, or shall knowingly and fraudulently demand to have such share or shares, dividend, or any parts thereof, transferred, conveyed, or received by virtue of such forged, altered, or counterfeited letter of attorney, order, or other instrument, or shall falsely and deceitfully personate any true and lawful proprietor or proprietors, of any share or shares of stock, or dividend, or money, or other property deposited in the said bank, thereby transferring or endeavouring to transfer the said stock, dividend, money, or other property, or receiving, or endeavouring to receive the said stock, dividend, money, or other property; in every such case, the person or persons so offending, and being thereof duly convicted, shall be adjudged a felon or felons, and suffer such punishment as shall be adjudged by the court before which the said conviction shall take place, so that the same does not extend to death, or less than ten years of servitude or imprisonment.

Persons, forging, counterfeiting, &c. any power of attorney, order, &c. to transfer shares, or to receive any dividends; or who shall demand or obtain a transfer of any shares, or receive any dividend by virtue of such forged instrument; or who shall falsely personate a proprietor of any stock, &c. for certain fraudulent imprisonment.

purposes; shall on conviction suffer a punishment not extending to death, or less than ten years servitude or imprisonment.

SECT. 12. Whereas, it will facilitate the operation of the said bank to have the necessary buildings ready for the directors, and whereas, it is also represented that the commissioners, with the approbation of the present stockholders, have gone to considerable expense and disbursements to forward the said institution: *Be it therefore further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, be, and they are hereby authorized to purchase or rent a house and lot, and to defray out of the money already received, the expenses necessary to make the same fit for the use of a bank; and the said commissioners, or a majority of them, are hereby authorized and empowered, out of the money already received on subscription, to pay and discharge all expenses and disbursements, made or contracted for, which are applicable to the said institution, and which expenses or engagements have accrued or been made to, and for the benefit of the said institution, and to facilitate the early operation thereof.

Preamble to section 12.

Commissioners empowered to purchase or rent a house and lot, for the use of the bank.

Authorized to pay all expenses incurred for the benefit of the institution.

SECT. 13. And whereas also, from the difficulties which the commissioners of the said bank heretofore met, in obtaining a sufficient number of subscribers for shares, so as to organize the same at an early period, it became necessary and just for the former subscribers to release to each other all claim to any forfeiture which might otherwise have accrued under the third section of the said act of incorporation, which release,

Preamble to the 13th section.

* See "Forgery and Counterfeiting," in the penal code of 1817

(No. 50.) under the circumstances stated in the petition aforesaid, was proper and prudent: *Be it therefore further enacted*, That the said mutual release be, and is hereby confirmed, and that all forfeiture or supposed forfeiture, arising under the third section of the said act of incorporation be, and is hereby remitted, and declared as null and void, as if there had been no such section in the act of which this is an amendment.

A mutual release of forfeitures by certain subscribers confirmed; and the forfeitures declared null and void.

Repealing clause.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the second, third, fifth, and seventh sections of an act entitled "An act to incorporate the Planters' Bank of the state of Georgia," and to repeal an act entitled An act to incorporate the Planters' Bank of the state of Georgia; passed the fifth day of December, 1807, which above act was passed on the 19th December, 1810, be, and the same are hereby repealed.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 3d December, 1811.

DAVID B. MITCHELL, GOVERNOR.

AN ACT

(No. 51.)

To alter and amend the third section of an Act to amend an Act to incorporate the Planters' Bank of the state of Georgia, and for other purposes, passed the 19th day of December, 1810, also to provide against embezzlement and forgeries, passed the 3d of the present month, by the present Legislature.

WHEREAS, by the third section of the act referred to in the title hereof, it is enacted, that the subscription already opened in the city of Savannah shall continue until the first day of December next, and the said act having been presented to, and signed by the Governor, and finally passed on the third day of the present month of December, the operation of the said third section of said act will be, to extend the time of keeping open the said subscription until the first day of December, one thousand eight hundred and twelve, which was not the intention of this Legislature—For remedy whereof; Preamble

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the subscription already opened in the city of Savannah, shall continue and be kept open, until the twenty-fifth day of the present month, and no longer; any thing in the afore-recited act to the contrary notwithstanding.

The subscription already opened in Savannah, shall be kept open until the 25th of the present month, and no longer.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

DAVID B. MITCHELL, GOVERNOR.

(No. 52.)

AN ACT

To authorize the Board of Directors of the Planters' Bank of the state of Georgia, and its officers, to remove from the city of Savannah, and transact business in any part of the state of Georgia, under certain circumstances therein mentioned.

The Directors of the Planters' Bank authorized to remove from Savannah, and transact business in any part of the state, when the safety of the institution is endangered; or in case of contagion.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the board of directors of the Planters' Bank of the state of Georgia, and its officers, are hereby authorized to remove from the city of Savannah, for such time as they may think proper, and transact business in any part of the state of Georgia, whenever the president and directors, or a majority of the members thereof who may be present, shall think it prudent, from causes of alarm, which, in their opinion, may endanger the safety of the institution, or in cases of contagion affecting the city, or the vicinity thereof: And all the business of the said bank, which may be transacted after such removal as is authorized by this act, shall be equally binding and legal as if the same had been done and transacted in the city of Savannah.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 3d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 53.)

To incorporate a Bank, to be called the Bank of the State of Georgia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* A Bank of the state of Georgia shall be established in the city of Savannah, the capital stock whereof shall not exceed one million five hundred thousand dollars, divided into fifteen thousand shares, each share being one hundred dollars. A Bank of the state of Georgia established. Capital stock.

SECT. 2. *And be it further enacted by the authority aforesaid, That* six thousand shares of said capital stock shall be reserved until the first day of January, eighteen hundred and seventeen, on the original terms, then, or at any prior time, to be taken and subscribed for by the state, according to the pleasure of the General Assembly, whereby the state, at any subsequent election, shall be entitled to the appointment of six directors; and if the said shares so reserved be not taken by the state, to be disposed of in manner herein after prescribed. Reservation of shares, for the state. State entitled to appoint six directors.

SECT. 3. *And be it further enacted by the authority aforesaid, That* subscriptions for constituting and collecting the capital stock of said bank shall be opened in the city of Savannah on the first day of February next, under the direction and superintendence of Charles Harris, William B. Bulloch, Isaac Minis, Richard Richardson, Oliver Sturges, Thomas Bourke, John Eppinger, Abraham Richards, Barna M'Kinne, John P. Williamson, William Taylor, William Mein, John Camochan, A. S. Bulloch, Edward Harden, and Thomas U. P. Charlton, a majority of whom shall be competent to the discharge of the duties hereby devolved upon them: Also, and for the same purpose, in the city of Augusta, under the direction and superintendence of Andrew Erwin, John M'Kinne, John Howard, Ferdinand Phinizy, Thomas Barrett, Walter Leigh, Freeman Walker, and George Hargraves: Also, and for the same purpose, in the town of Milledgeville, under the direction and superintendence of Zachariah Lamar, John Howard, John W. Devereux, and Joel Crawford: Also, and for the same purpose, in the town of Greensborough, under the direction and superintendence of John West, John Bethune, and Daniel Sanford: Also, and for the same purpose, in the town of Washington, under the direction and superintendence of Nicholas Long, William G. Gilbert, Augustus H. Gibson, William Sansom, and John H. Pope: Also, and for the same purpose, in the town of Louisville, under the direction and superintendence of William N. Harman, Subscriptions to be opened in Savannah. By whom superintended. To be opened also in Augusta. In Milledgeville. Greensborough. Washington. Louisville.

* See act of 1816, No. 54; which amends this act.

(No. 53.) James Meriwether, David Clark, and Rodger L. Gamble: Also, and for the same purpose, in the town of Athens, under the direction and superintendance of Stephen Thomas, Thomas P. Carnes, and Augustin S. Clayton: Also, and for the same purpose, in the town of Sparta, under the superintendance and direction of John Lucas, Hugh Taylor, and Henry Mitchell: Also, and for the same purpose, in the town of Lexington, under the superintendance and direction of Dudley Dunn, John Moore, and Burwell Pope: Also, and for the same purpose, in the town of Waynesborough, under the direction of John Davies, John Whitehead, and William Whitehead; a majority of which commissioners in each of said mentioned places, shall be competent to the discharge of their duties; and in each of said mentioned places, the books of subscription shall be kept open for the space of six months, if that time shall be required, for filling up said subscriptions for said capital stock; during which time it shall and may be lawful for any person or copartnership, being citizens of the United States, corporation or body politic established in the United States, to subscribe for any number of shares not exceeding one hundred, except as herein before provided, relative to the state: *Provided*, that if the whole number of shares be not taken up within the said space of six months, then, and in that case, it shall be lawful for any person or copartnership, being citizens of the United States, corporation or body politic established in the United States, to subscribe for any number of the shares unsubscribed for as aforesaid; and the sums respectively subscribed for, shall be payable in manner following: that is to say, seventeen per centum at the time of subscribing, twenty per centum at the expiration of six months thereafter, and the balance of the sums so subscribed, at such other time or times as the directors of said bank may require and direct; *Provided*, that sixty days notice of the time at which payment is required to be made, be given in one of the gazettes of Savannah, Augusta, Milledgeville, and Washington, Wilks county.

Forfeitures
for non-pay-
ments.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if there shall be a failure in the payment of any sum subscribed by any person, copartnership or body politic, when the same is required to be paid by this act, or when it shall be required to be paid by the directors, the share or shares, on which such failure shall happen or accrue, shall be for such failure forfeited, and may be again sold and disposed of, as the directors shall order and provide, and the sums which may have been paid thereon shall enure to the benefit of said corporation.

Subscribers
made a body
corporate.
Their style.
And privi-
leges.

SECT. 5. *And be it further enacted by the authority aforesaid*, That all those who shall become subscribers to said bank, their successors and assigns, shall be, and they are hereby created and made a corporation and body politic, by the name and style of the Bank of the State of Georgia, and by that name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of

what kind, nature or quality soever, to an amount not exceeding in the whole one million-five hundred thousand dollars, or the amount of its capital if the same shall hereafter be increased, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish, and put in execution such bye-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation: *Provided nevertheless*, that such bye-laws, rules and regulations, be not contrary to the laws and constitution of this state or of the United States, and generally to do and execute all and singular such acts, matters and things, as to them may or shall appertain to do, subject nevertheless to the rules, regulations, restrictions, limitations and provisions herein after prescribed. (No. 53.)

SECT. 6. *And be it further enacted by the authority aforesaid*, That for the well ordering of the affairs of said corporation, there shall be fifteen directors, nine of whom shall be elected by the stockholders, and six by the state; and the nine directors of the stockholders shall be elected so soon as two hundred and fifty thousand dollars, in gold and silver coin, shall have been received on account of the subscriptions of said stock, of whom there shall be an election on the first Monday in May next, and on the same day in each year, by the stockholders or proprietors of the capital stock, and by the plurality of votes actually given in; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the first Monday in May next ensuing the time of such election, and no longer; and the six directors to be appointed by the state, shall be chosen by the legislature, immediately on the passage of this act: *Provided always*, that as soon as the sum of two hundred and fifty thousand dollars, in gold and silver, shall have been actually received on account of the subscriptions to said stock, notice thereof shall be given by the commissioners in Savannah, herein before named, in one at least of the public gazettes of Savannah, Augusta, Milledgeville, Washington and Athens; and the said commissioners shall at the same time, in like manner, notify a time and place, within the said city of Savannah, at the distance of ninety days at least from the date of such notification, for proceeding to the election of directors, and it shall be lawful for such to be then and there made; and the persons who shall be then and there chosen, shall be the first directors, and shall receive from the said commissioners the money which shall be received by them; and the said directors, at their first meeting after such election, shall choose one of their number as president, and in case of his death, resignation, or removal from the state, or from the board of direction, the said directors shall proceed to fill the vacancy by a new election for the remainder of the year: *Provided*, that in case it should at any time happen, that an election of directors should not be made at any day when pursuant to this act it ought to have been made, the said corporation shall

Directors, how many, and by whom to be elected.

Annual election by the stockholders.

Proviso.

Commissioners in Savannah to publish a notice when 250,000 dollars shall have been paid in specie.

Also of the time and place for electing directors.

First directors to receive from the commissioners the money paid in.

To choose a president.

His vacancy how filled.

Proviso.

(No. 53.) not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election of directors, in such manner as shall have been regulated by the laws and ordinances of said corporation.

Elections, when regulated by the bye-laws, &c.

Directors empowered to appoint officers, clerks and servants.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the directors, for the time being, shall have power to appoint such officers, clerks and servants, under them, requiring from said officers, clerks and servants, such security, and administering to them such oaths, as the said directors shall deem necessary, and to allow them such compensation for their services respectively as shall be reasonable; and shall be capable of exercising such other powers and authorities, for the well ordering and governing the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

Fundamental rules.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the corporation of said institution:

Qualification of voters.

1st. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion, that is to say, for one share, one vote; for two shares and not exceeding five, two votes; and for every five shares above five, one vote: *Provided*, no person, corporation or body politic, shall be entitled, in his, her or their own right, to more than thirty votes; and after the first election, no share or shares shall confer a right of suffrage which shall not have been holden three calendar months previous to the day of election.

Who may vote by proxy.

Who may be eligible as a director.

When a director ceases to be a stockholder, his seat vacated.

2d. Stockholders usually resident within the United States, and none others, may vote in elections by proxy; none but a stockholder entitled in his own right to fifteen shares, and being a citizen of the state, and not being a director of any other bank, shall be eligible as a director; but this qualification not to be necessary on the part of the state directors; and if any one of the directors, after being elected, shall at any time during the term for which he shall have been chosen, cease to be a stockholder, his seat shall thereupon become vacated, and the remaining directors, or a majority of them, shall at the next meeting pass an order declaring him to be no longer a director.

Compensation of the president.

3d. The stockholders shall make such compensation to the president, as may appear to them reasonable.

How many directors shall form a board, &c.

4th. Not less than nine* directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in cases of sickness or neces-

* See act of 1816, No. 54; which makes five directors a competent board, during the months of July, August, September and October, in every year, provided they be unanimous.

sary absence, in which case his place may be supplied by any director, to be elected (No. 53.) president *pro tem.* by a majority of the board present.

5th. A number of stockholders, not less than thirty, who together shall be proprietors of two hundred and fifty shares or upwards, shall have power at any time to call a meeting of the stockholders, for purposes relative to the institution, giving at least sixty days notice in a public gazette, in the city of Savannah, in the city of Augusta, in Milledgeville, and at Washington and Athens, specifying in such notice the object or objects of such meeting.

Not less than 30 stockholders, possessing in the aggregate 250 shares, shall call a general meeting.

What notice to be given, &c.

6th. The cashier of the bank for the time being, before he enters upon the duties of his office, shall be required to give bond with two or more securities, to the satisfaction of the directors, in a sum not less than fifty thousand dollars.

Cashier to give bond and security.

7th. The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

In what cases, and for what purposes, the corporation may hold real property.

8th. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed three times the amount of their capital stock, over and above the amount of specie actually deposited in their vaults for safe keeping. In case of an excess, the directors under whose administration it shall happen, shall be liable for the same, in their individual, natural and private capacities, and an action of debt may in such case be brought against them, or any of them, their, or any of their heirs, executors, or administrators, in any court of record in the United States, having competent jurisdiction, or either of them, by any creditor or creditors of said institution, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods and chattels of the same, from being also liable for and chargeable with the said excess; and such of the said directors who may have been absent when the said excess was contracted or created, or may have dissented from the resolution or act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by having their dissent, if present, entered on the minutes of said corporation.

The corporation may owe three times the amount of capital stock.

In case of excess, acting directors liable in their private capacities.

Property of the corporation also liable.

How absent, and dissenting directors may be exonerated.

9th. The directors shall have power to issue to the subscribers their certificates of stock, which shall be transferable on the books of the cashier only by personal entry of

Stock, how transferable.

(No. 53.) the stockholder, his legal representative or attorney, duly authorized by special power for that purpose.

The corporation not to be concerned in commerce, &c.

Exception.

Goods, &c. may be held as pledges, &c. in certain cases.

10th. The corporation shall in no case, directly or indirectly, be concerned in commerce or insurance, or in the importation or exportation, purchase or sale of any goods, wares, or merchandize whatever, (bills of exchange, notes, and bullion only excepted,) except such goods, wares, or merchandize, as shall be truly transferred, conveyed, or pledged to them by way of security, for money actually loaned and advanced, or for debts due to the said corporation, or purchased by them to secure such debts so due to the said corporation, or to effect the insurance on the property that may belong to, or be thus pledged to the said corporation for its security.

Bills, notes, &c. to be signed by the president, and countersigned by the cashier, otherwise the funds of the bank not liable.

11th. The bills obligatory and of credit, notes, and other contracts whatever, shall be binding and obligatory upon said corporation, provided the same be signed by the president, and countersigned or attested by the cashier of the said corporation; and the funds of the corporation shall be in no case held liable for any contract or engagement whatever, unless the same shall be so signed and countersigned, or attested as aforesaid; and the books, papers, and correspondence, and the funds of the corporation, shall at all times be subject to the inspection of the board of directors and stockholders, when convened according to the provisions of this act.

Dividends, how and when determined.

12th. Dividends of the profits of the corporation, or so much thereof as shall be deemed expedient and proper, shall be declared and paid half-yearly, (the first half after the bank shall have been in operation excepted,) and the said dividends shall, from time to time, be determined by a majority of the directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of the nett proceeds actually acquired by the corporation, so that the capital stock thereof shall never be impaired.

Capital stock not to be impaired.

Directors to keep a book of their proceedings.

13th. The directors shall keep fair and regular entries, in a book to be provided for that purpose, of their proceedings, and on any question, when two directors shall require it, the yeas and nays of the directors voting shall be duly inserted on their minutes; and these minutes be at all times, on demand, produced to the stockholders, when at a general meeting the same shall be required.

Duration of the company.

14th. The corporation shall exist and continue until the first day of January, one thousand eight hundred and thirty-five; and immediately after the dissolution of said corporation, effectual measures shall be taken by the directors last appointed and acting, for closing all the concerns of the corporation, and for dividing the capital and profits which may then remain among the stockholders, according to their respective interests.

Its affairs, how settled, after dissolution.

15th. The directors shall, within six months after said bank shall go into operation, (No. 53.) establish an office of discount and deposit at the city of Augusta, and one at the town of Milledgeville, and wheresoever they shall think fit within this state, for the purpose of discount and deposit only, and upon the same terms, and in the same manner, as shall be practised at the bank which shall be established in Savannah, and to commit the management of said offices, and the making of the said discounts, to such persons, under such agreements, and subject to such regulations, as they shall deem proper, not being contrary to law, or to the constitution of the bank; and the amount of stock shall be apportioned by the directors in the different offices, according to the exigences of business, but each branch shall have as much of the stock as can be employed to advantage.

Offices of discount and deposit to be established at Augusta and Milledgeville, &c.
How regulated.

SECT. 9. *And be it further enacted,* That the commissioners in Savannah shall not be at liberty to receive subscriptions for more than two thousand seven hundred shares; the commissioners at Augusta, for more than one thousand eight hundred shares; the commissioners at Milledgeville, for more than nine hundred shares; the commissioners at Louisville, for more than four hundred and fifty shares; the commissioners at Greensborough for more than nine hundred shares; the commissioners at Washington, for more than four hundred and fifty shares; the commissioners at Sparta, for more than four hundred and fifty shares; the commissioners at Lexington, for more than four hundred and fifty shares; the commissioners at Waynesborough, for more than four hundred and fifty shares; nor the commissioners of Athens, for more than four hundred and fifty shares.

The amount of subscriptions at Savannah, limited.
Also at Augusta.
Milledgeville.
Louisville.
Greensboro'.
Washington.
Sparta.
Lexington.
Waynesboro'.
Athens.

SECT. 10. *And be it further enacted,* That a future General Assembly may, whenever they think it will be expedient, increase the capital stock to three millions of dollars, or to such sum as they may think proper, and the state shall, if they think proper, be entitled to subscribe for one half, or of such other part as they may think proper; and in case of the increase of the capital, there shall be books of subscription opened, at such times and places as a future Legislature may direct, to subscribe for the increased stock: *Provided nevertheless,* that if the whole number of shares apportioned to the above places be not subscribed for, then the commissioners at Savannah shall give notice to fill up such deficiencies, at such place as they may think proper.

Legislature may increase the capital stock.

Proviso.

(No. 53.) **SECT. 11.** *And be it further enacted,* That the trustees of the University of Georgia shall have until the first day of January, one thousand eight hundred and seventeen, to subscribe for one thousand shares, out of the six thousand herein reserved to the state.

Trustees of the university may subscribe for 1000 shares out of those reserved for the state.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 54.)

AN ACT

To amend An act to incorporate a Bank, to be called the Bank of the State of Georgia, passed on the 16th of December, 1815.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That

How many directors may form a board, during certain months of the year. Proviso.

five directors shall constitute a board competent to transact the business of the Bank of the State of Georgia: *Provided,* they shall be unanimous, for and during the months of July, August, September and October, in every year, of whom the president shall always be one, except in cases of sickness, or necessary absence, in which case his place may be supplied by any director, to be elected president *pro tem.* by a majority of the board present, any thing contained in any part of the above recited act to the contrary notwithstanding.

SECT. 2. *And be it further enacted,* That it shall not be lawful for any partner or partners of a mercantile firm or house, who is, are or may be a director or directors of this bank, to hold his or their appointment or appointments as a director or direc-

No person of a mercantile firm, whose partner may be a director

tors of this bank, if any other partner or partners of said mercantile firm or house (No. 54.) shall, at the same time, or any other time, hold an appointment or appointments as director or directors in any other bank.*

in any other
bank, shall be
a director in
this bank.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 55.)

To repeal the second section of an act passed on the 12th of December, 1816, entitled, An act to amend an act to incorporate a Bank, to be called the Bank of the State of Georgia, passed on the 16th December, 1815.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the second section of the act passed on the twelfth of December, 1816, entitled, an act to amend an act to incorporate a bank, to be called the Bank of the State of Georgia, passed on the sixteenth of December, 1815, be, and the same is hereby repealed.

The second
section of the
recited act
repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

* This section repealed by an act of 1817, No. 55.

(No. 56.)

AN ACT

To incorporate the Bank of Darien.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* a bank shall be established in the town of Darien, the capital stock whereof shall not exceed one million of dollars, divided into ten thousand shares of one hundred dollars each, of which five thousand shares shall be reserved until the first day of January, one thousand eight hundred and twenty, on the original terms, then or at any prior time to be taken by the state, according to the pleasure of the General Assembly; whereby the state, at any subsequent election, shall be entitled to the appointment of five directors; and if they be not then taken by the state, to be disposed of in manner herein after provided and prescribed.

Bank of Darien established.
Capital stock.
How divided.
5000 shares reserved for the state.

State entitled to appoint 5 directors.

Subscriptions to be opened in Darien.
By whom superintended.

Also, in Milledgeville.

Dublin.

Clinton.

Watkinsville.

Hartford.

Eatonton.

Monticello.

Morgan Court-house.

Sparta.

Sandersville.

SECT. 2. *And be it further enacted by the authority aforesaid, That* the subscriptions for constituting and collecting the capital stock of said bank, shall be opened in the town of Darien, on the first of January next, under the direction and superintendence of Thomas Spalding, Jacob Wood, William A. Dunham, Calvin Baker, and Philip R. Young, a majority of whom shall be competent to the discharge of the duties hereby devolved upon them; Also, and for the same purpose, in the town of Milledgeville, under the direction and superintendence of Robert Rutherford, Seaborn Jones, John Howard, Zachariah Lamar, and John Lucas; Also, and for the same purpose, in the town of Dublin, under the direction and superintendence of Thomas Moore, Amos Love, Neill Munro, John Thomas, and John Guiton; Also, and for the same purpose, in the town of Clinton, under the direction and superintendence of John Mitchell, Isaac Harvey, Harrison R. Smith, Samuel Cook, and James Smith; Also, and for the same purpose, in the town of Watkinsville, under the direction and superintendence of Joseph Moss, Hezekiah Skovell, William Manly, Thomas R. Mitchell, and John Jackson; Also, and for the same purpose, in the town of Hartford, under the direction and superintendence of Duncan Ray, John Rawls, Peter Greene, Gray B. Gardner, and Eli Lester; at Eatonton, under the direction and superintendence of Irby Hudson, William Wilkins, Willie Abercrombie, William Williams, S. W. Harris, and D. Newnan; at Monticello, under the direction and superintendence of John Wilson, William Cook, Reuben C. Shorter, and Robert Robey; at Morgan Court-house, under the direction and superintendence of James Mitchell, William Johnson, Adam G. Saffold, Henry Cook, and John Wingfield; at Hancock Court-house, under the direction and superintendence of Hugh Taylor, C. E. Haynes, John Lucas, and William G. Springer; at Sandersville, under the direction and superintendence of Thomas B. Rutherford, Morgan Brown,

William A. Ferrille, William Rollins, and Benjamin Skrine ; at Lincolnton, under the direction and superintendence of Rem. Remson, Peter Lamar, and Lewis Stovall ; Also, and for the same purpose, in the town of Marion, under the direction and superintendence of Henry M. Terrell, Hope H. Slaughter, John Fleming, Jeremiah W. Ray, and William Crocker ; also, and for the same purpose, in the town of Greensborough, under the direction and superintendence of Daniel Sanford, Thomas W. Grimes, Thomas Grier, and Ezekiel Park ; Also, and for the same purpose, in the town of Irwinton, Wilkinson county, under the direction and superintendence of Solomon Worrell, Allen Denmark, David Rowland, William A. Beall, and Daniel Nolly ; at Columbia Court-house, under the direction and superintendence of Augustus Crawford, Marshall Keith, Benjamin Leigh, and Zachariah Williams ; a majority of which commissioners, in each of said mentioned places, shall be competent to the discharge of their duties. The books of subscription shall be kept open for the space of thirty days, during which time it shall and may be lawful for any person or copartnership, being citizens of the state of Georgia, to subscribe for any number of shares, not exceeding one hundred, except as herein provided for relative to the state : *Provided*, that if the whole number of shares be not taken up within the said space of thirty days, then and in that case, it shall and may be lawful for any person or copartnership, being citizens of this state, corporation, or body politic established within the same, to subscribe for any number of shares unsubscribed for ; and the sums respectively subscribed for shall be payable in manner herein after prescribed and provided ; and the stock to be subscribed for shall be apportioned in the manner following, viz : At Darien, fifteen hundred shares ; at Milledgeville, five hundred shares ; at Dublin, two hundred shares ; at Clinton, two hundred and fifty shares ; at Watkinsville, two hundred and fifty shares ; at Hartford, two hundred shares ; at Marion, two hundred shares ; at Greensborough, two hundred shares ; at Irwinton, one hundred and fifty shares ; at Columbia Court-house, two hundred shares ; at Eatonton, two hundred and fifty shares ; at Monticello, two hundred and fifty shares ; at Morgan Court-house, two hundred and fifty shares ; at Hancock Court-house, two hundred shares ; at Sandersville, two hundred and fifty shares ; and at Lincolnton, one hundred and fifty shares.

(No. 56.)
Lincolnton.

Marion.

Greensbo-
rough.

Irwinton.

Columbia
Court-house.A majority of
commission-
ers competent
to act.Books, how
long to be
kept open.Citizens, &c.
of this state,
may subscribe
for any num-
ber of shares
not exceeding
100.

Proviso.

Shares re-
maining after
the allotted
time, may be
subscribed for
without re-
striction.Amount of
stock to be
subscribed for
at the several
places.At Darien.
Milledgeville,
&c.

SECT. 3. *And be it further enacted*, That should the present General Assembly not authorize the Governor to subscribe for the five thousand shares in said bank, to be reserved for the state till the year eighteen hundred and twenty, that the individual stockholders, provided the subscription be filled, may proceed to the election of directors as previously provided, and commence business at any time after the first of February next.

When the
stockholders
may elect di-
rectors, and
proceed to
business.

SECT. 4. *And be it further enacted by the authority aforesaid*, That all those who shall become subscribers to the said bank, their successors and assigns, shall be, and

Subscribers,
&c. made a
corporation.

(No. 56.) they are hereby created and made a corporation and body politic, by the name and style of the Bank of Darien, and are hereby made able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any place whatsoever; and also to make, have, and use a common seal, and the same to break, alter and renew at their pleasure: and also to ordain, establish and put in execution such bye-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation; provided such bye-laws, rules and regulations be not contrary to the laws and constitution of this state, or of the United States; and generally to do and execute all and singular such acts, matters and things, as to them may or shall appertain to them to do, subject nevertheless to the rules, regulations, restrictions, limitations and provisions herein after prescribed.

How many directors.

Annual election by the stockholders.

Directors to choose a president. In case of his death, resignation, &c. vacancy, how filled.

Elections, when regulated by the bye-laws, &c. Proviso.

Forfeitures for non-payment, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That for the well ordering of the affairs of said corporation, there shall be ten directors, five of whom shall be elected by the stockholders, and five by the state. The directors on the part of the stockholders, after the first election herein after mentioned, shall, on the first Monday in January, annually, be elected by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of the votes actually given in; and those who shall be duly chosen at any election shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the first of January next ensuing the time of such election, and no longer; and the said directors, at their first meeting after each election, shall choose one of their members as president, and in case of his death, resignation, removal from the state, or from the board of direction, the said directors shall proceed to fill the vacancy by a new election for the remainder of the year: and it is further provided, that in case it should at any time happen, that an election of directors should not be made upon the day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the rules and bye-laws of the said corporation: *And provided,* that in case of the absence or removal of a director, his place may be filled by a new choice for the remainder of the year by the remaining directors.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if there shall be a failure in the payment of any sum subscribed by any person, co-partnership or body politic, when the same is required to be paid by this act, or when it shall be required to be paid by the directors, the share or shares on which such failure shall accrue, shall for such failure be forfeited, and may be again sold and disposed of in such manner as the directors shall order and provide, and the sums which may have been paid thereon shall enure to the benefit of the said corporation.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the directors for the time being shall have power to appoint such officers and clerks under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable, and shall be capable of exercising such other powers and authorities, for the well governing and ordering the affairs of said corporation, as to them shall appear conducive to the interest of the institution. (No. 56.)

Directors empowered to appoint and compensate officers and clerks, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That Thomas Spalding, Jacob Wood, Philip Young, William A. Dunham, and Calvin Baker, the committee under whom the book of subscription shall be opened in Darien, shall, and it is hereby their duty, to take the necessary measures for carrying the said bank into immediate operation; and they are hereby authorized to call in twenty-five per cent., to be paid in gold, silver, or such other money as is receivable in the treasury of this state, on the amount of subscription, within sixty days after the passage of this act, giving public notice thereof in the public gazettes of Darien and Milledgeville for thirty days; and as soon as one hundred thousand dollars, in gold and silver, shall have been received on account of the subscriptions for the said stock, they shall cause to be elected by the stockholders, five directors, and the persons who shall be then and there chosen shall be the first directors, and receive from the said commissioners the money which shall be received by them.

Commissioners at Darien authorized to take necessary measures to carry the bank into immediate operation. Authorized to call in 25 per cent. Notice to be given. When \$100,000 in specie shall have been received, stockholders to elect 5 directors, who shall receive the money from the commissioners. Fundamental rules.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations, and provisions, shall form and be fundamental articles of the constitution of the said corporation:

1st. The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the following proportion, viz: for one share, one vote; for two shares, and not exceeding five, two votes; for every five shares above five, one vote; *Provided*, that no person, corporation or body politic, shall be entitled, in his, her or their own right, to more than thirty votes; and after the first election no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election.

Votes apportioned according to the number of shares. No person entitled to more than 30 votes.

2d. None but a stockholder, entitled in his own right to fifteen shares, and being a citizen of this state, and not being a director of any other bank, shall be eligible as a director; and if any one of the directors, after being elected, shall, at any time during the term for which he shall have been chosen, cease to be a stockholder, his seat thereupon shall become vacated: *Provided*, the above qualification be not necessary to the directors on the part of the state: *Provided*, that in case of a vacancy of any director

Qualification of directors.

When a director shall cease to be a stockholder, his seat vacated. Proviso.

(No. 56.) on the part of the state, by death, resignation or otherwise, during the recess of the Legislature, then, and in that case, the Governor shall have the power of filling the vacancy, by appointing some fit and proper person.

Governor authorized to fill the vacancy of any director on the part of the state, during the recess of the legislature.

3d. The directors shall make such compensation to the president for his services as shall appear to them to be reasonable.

Compensation of the president.

4th. Not less than five directors shall constitute a board for the transaction of business, of whom the president shall always be one, unless in case of sickness or necessary absence, in which case his place may be supplied by any director, to be elected president *pro tem.* by a majority of the board present.

What number shall constitute a board of directors.

5th. Any number of stockholders not less than thirty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a meeting of the stockholders, for purposes relative to the institution, giving at least sixty days public notice in the public papers, specifying in such notice the objects of such meeting; and in every such meeting of the stockholders there shall be appointed by the Governor three fit and proper persons, who shall have votes in proportion to the stock owned by the state, to attend as representatives of the state's interest in said bank.

Not less than 30 stockholders, possessing in the aggregate 200 shares or more shall call a general meeting. Notice to be given. Governor shall appoint three persons to represent the state at such meetings.

6th. The cashier of the bank for the time being, before he enters on the duties of his office, shall give bond, with two or more securities, to the satisfaction of the directors, in a sum not less than forty thousand dollars.

Cashier to give bond and security.

7th. The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as may be requisite for its immediate accommodation, in relation to the convenient transacting its business.

What real property the corporation may hold.

8th. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed three times their capital stock, over and above the amount of specie actually deposited in their vaults for safe keeping; in case of an excess, this charter shall be deemed and considered as forfeited to all intents and purposes, and the directors under whose administration it shall happen, shall be liable for the same in their individual, natural and private capacities; and an action of debt may in such case be brought against them, or any of them, their, or any of their heirs, executors or administrators, in any court of record in the United States, or of this state, having competent jurisdiction, or either of them, by any creditor or creditors of said institution, and may be prosecuted to judgment and execution,

Debts of the bank shall not exceed three times the capital stock. In case of excess, charter forfeited, and the acting directors individually liable.

any condition, covenant or agreement to the contrary notwithstanding: but this shall (No. 56.)
 not be construed to exempt the said corporation, or the lands, tenements, goods and chattels of the same, from being also liable for and chargeable with the said excess; The property of the corporation also liable.
 and such of the said directors who may have been absent when the said excess was contracted or created, or may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by having their dissent, if present, entered on the minutes of the said corporation. In what way absent and dissenting directors may exonerate themselves from liability.

9th. The directors shall have power to issue to the subscribers their certificates of stock, which shall be transferable on the books of the cashier only by personal entry of the stockholder, his legal representative or attorney, duly authorized by special power for that purpose. Stock, how transferable.

10th. The corporation shall in no case, directly or indirectly, be concerned in commerce or insurance, or in the importation or exportation, purchase or sale, of any goods, wares or merchandize whatever, (bills of exchange, notes and bullion only excepted,) except such goods, wares or merchandize as shall be truly transferred, conveyed or pledged to them by way of security for money actually loaned by them and advanced, or for debts due to the said corporation, or purchased by them to secure such debts so due, or to effect insurance on the property that may belong to or be thus pledged to the said corporation for its security. Corporation not to be concerned in commerce, &c. Exception. Goods, wares and merchandize may be held as securities in certain cases.

11th. The bills obligatory and of credit, notes and other contracts whatever, shall be binding and obligatory upon said corporation; provided the same be signed by the president, and countersigned or attested by the cashier of said corporation; and the funds of the corporation shall be in no case held liable for any contract or engagement whatever, unless the same be so signed and countersigned or attested as aforesaid; and the books, papers and correspondence shall at all times be subject to the inspection of the board of directors and stockholders, convened according to the provisions of this act. Bills, notes, &c. of the bank to be signed by the president and countersigned by the cashier, otherwise the funds of the bank not liable Books, &c. subject to the inspection of the board and stockholders.

12th. Dividends of the profits of the corporation, or so much thereof as shall be deemed expedient and proper, shall be declared and paid half-yearly, (the first half year after the bank shall have been in operation excepted;) and the said dividends shall, from time to time, be determined by a majority of the directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of the nett proceeds actually acquired by the corporation, so that the capital stock thereof shall never be impaired. Dividends, how and when determined. Capital stock not to be impaired.

(No. 56.) 13th. The directors shall keep fair and regular entries, in a book to be procured for that purpose, of their proceedings, and on any question, when two directors shall require it, the yeas and nays of the directors voting shall be duly inserted on their minutes, and these minutes to be at all times, on demand, produced to the stockholders, when at a general meeting of the same it shall be required.

Duration of the corporation.

The affairs of the institution how settled after dissolution.

14th. The corporation shall exist and continue until the first day of January, one thousand eight hundred and thirty-seven: and immediately after the dissolution of the said corporation, effectual measures shall be taken by the directors last appointed and acting, for closing all the concerns of the corporation, and for dividing the capital and profits which may then remain owing the stockholders, according to their respective interest.

An office of discount and deposit to be established in Milledgeville, &c.

How regulated.

15th. The directors shall, within six months after said bank shall go into operation, establish an office of discount and deposit in the town of Milledgeville, and one at some convenient place contiguous to the Ocmulgee, within two years from the time the said bank shall go into operation, for the purpose of discount and deposit only, and upon the same terms and in the same manner as shall be practised at the bank which shall be established in the town of Darien; and at any time thereafter, to establish any one or more offices of discount and deposit, at any other place or places, at the discretion of the directors, or a majority of them, and to commit the management of said offices to such persons, under such agreements, and subject to such regulations as they shall deem proper, not contrary to law, or to the constitution of the bank; and the amount of stock shall be apportioned by the directors in the different branches, according to the exigencies of business.

Notes discounted to be made payable at the office where they are offered.

Demand and notice not necessary where the indorsers

SECT. 10. *And be it further enacted,* That all notes discounted by said bank shall be made payable at the office where they are offered; and if the indorser or indorsers live without the limits of the town where said bank or office of discount may be established, they shall be held and bound for the payment of the note, without any demand being made of the drawer, or notice of its non-payment being served on them.

Subscriptions, how payable.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the sums respectively subscribed for shall be payable in the manner following, viz. twenty-five per centum as before specified, and the remainder of the sum so subscribed at such time or times as the directors of the said bank may require and direct; provided that sixty days notice of the time at which payment is required to be made be given in the public gazettes of Darien and Milledgeville; and nothing herein contained shall prevent any future legislature from increasing the capital of this bank, if deemed necessary, to the amount of one million of dollars more.

Capital may be increased by the legislature to \$1,000,000.

SECT. 12. *And be it further enacted,* That notes issued by the mother bank shall be made payable at the same, and the notes issued by any of its offices of discount and deposit, shall be made payable at said offices; and if the bank, or either of its offices of discount and deposit shall at any time fail or refuse to redeem their notes in specie, and the same shall be protested before any notary public, the Legislature may direct its prosecuting officer to commence an action, in any court having competent jurisdiction thereof, for such violation, and on the fact being established, the charter may be declared and considered forfeited: *Provided,* that nothing herein contained shall prevent said corporation, in case of a forfeiture of their charter, from suing and collecting, in their corporate capacity, all debts previously due them, and of being sued and compelled to pay all debts due by said corporation.

(No. 56.)
Notes issued by the mother bank payable at the same. Notes issued by the branch banks to be payable at said branches. Charter forfeited upon any failure of the mother bank and its branches to redeem their notes with specie.
Proviso.

SECT. 13. *And be it further enacted,* That the persons and property of stockholders in said bank shall be pledged and bound, in proportion to the amount of the value of shares that each individual or company may subscribe for or hold in said bank, for the ultimate redemption of the bills or notes issued by and from said bank, in the same manner as in common commercial cases, or simple actions of debt, and that the state be pledged for the ultimate redemption of the bills or notes of said bank, in proportion to the amount of the value of shares that shall or may be subscribed for and held by said state.

Stockholders individually responsible for the debts of the bank, in proportion to the shares held by each. State pledged for the redemption of the notes of the bank, in proportion to the shares it may hold.

SECT. 14. *And be it further enacted,* That when any other bank, company, or corporation, shall apply at this bank, or any of its offices of discount and deposit, and demand specie in payment of the bills or notes, which said bank, company or corporation may hold on this bank, the said notes or bills shall and may be paid off, in the whole or a part, by this bank, or such of its offices of discount and deposit, in notes or bills which this bank, or such of its offices of discount and deposit may hold upon such bank, company or corporation; and the cashier of this bank, or such of its offices of discount and deposit, may, if he requires it, demand an oath in writing of the person presenting said bills or notes for payment, that such notes or bills, so presented for payment, are not the property of any other bank, company or incorporation.

When any bank, &c. shall demand specie of this bank for any of its bills, such bills may be paid off in notes, &c. of the bank making such application.

make oath that said bills do not belong to

Any person presenting bills for payment, may be required to any bank, &c.

SECT. 15. *And be it further enacted,* That it shall be the duty of the president and directors of the mother bank, and each of its offices of discount and deposit, to discount notes at ninety days, without requiring that the drawer, or any one of the indorsers, should be residents of the town in which such bank or branch may be located; *Provided,* said note or notes should be, in the opinion of the president and directors, safely and sufficiently endorsed.

Notes at ninety days to be discounted, although the drawer and indorsers may live in the country.
Proviso.

(No. 56.) SECT. 16. *And be it further enacted*, That nothing contained in this act shall be so construed as to take the power of controlling said institution out of the Legislature; but the Legislature shall at all times have the power of arresting or suspending said charter, whenever it shall be made appear that the said incorporation has not complied with all or any of the foregoing provisions.

The corporation to be under the control of the legislature.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 15th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 57.)

AN ACT

Providing for the payment of instalments now due, and hereafter to become due, on stock in the Bank of Darien, and vesting certain funds in the stock of said Bank.

A part of the free school fund to be vested in Darien Bank stock.
\$100,000 of the internal navigation fund to be so vested.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That his excellency the Governor be, and he is authorized and required to vest in said stock the sum of one hundred thousand dollars, of the fund heretofore set apart for the establishment and support of free schools; and that his excellency aforesaid be, and he is authorized and required to vest in said stock, the sum of one hundred thousand dollars of the funds heretofore set apart for the improvement of the internal navigation of this state.

A sum appropriated for future instalments.

SECT. 2. *And be it further enacted*, That the further sum of one hundred and seventy-five thousand dollars be, and the same is hereby appropriated, to be drawn for from time to time, as future instalments shall be required.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

BANKS, UNCHARTERED, AND CHANGE BILLS.

1816.

AN ACT*

(No. 58.)

To prevent the circulation of notes emitted by unchartered banks, and the issuing of due bills of certain descriptions, and to compel the chartered banks of this state to resume specie payments, whenever the Bank of the United States, and the banks of the adjoining states, shall commence specie payments ; and also to require of them to redeem their notes, under five dollars, with specie or change bills issued by some one of said chartered banks.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any association or company of persons, within this state, not having a charter incorporating such association or company, and vesting them with authority to trade or deal as a bank, to issue, or cause to be issued, put into circulation, or cause to be put into circulation, any engraved note or bill, intended to represent a bank note, for the sum of two dollars, or for any greater sum, whether payable to bearer or order, or made payable in any other manner. And it shall be lawful for any person holding any such engraved note or bill, issued after the passage of this act, to recover thereupon, from the person or persons issuing or signing the same, on warrant or summons, before a justice of the peace, or by suit in any court of law of this state, having jurisdiction thereof, twenty-five per centum over and above the full amount for which such engraved note or bill may be given.*

Unchartered companies not to issue engraved notes for two dollars, or a larger sum.

25 per cent. recoverable on such notes, over and above their amount.

* See act of 1818, No. 59, altering and amending this act. Also act of 1818, No. 60, on the subject of change bills, and bills issued by unchartered banks. See also the tax acts of 1817-18-19.

(No. 58.)

Preamble to
section 2d.

And whereas, a practice pernicious to the community has prevailed with corporate bodies, companies and individuals in this state, of putting in circulation small notes or due bills, to supply the deficiency of change; which pernicious practice is calculated to defeat the object it proposes to remedy, by expelling from circulation the small coins, and is productive of other serious evils: for remedy whereof,

Treble the
amount reco-
verable upon
all change bills
for less than
\$2, (except
those issued
by the incor-
porated
banks.)

How reco-
verable.

SECT. 2. *Be it enacted by the authority aforesaid,* That if any person or persons, body politic or corporate, (other than the incorporated banks of this state,) shall after the passage of this act issue, or cause to be issued, put into circulation, or cause to be put into circulation, any engraved or printed note, due bill, ticket or change bill, evidencing, or intended to evidence, that any sum less than two dollars is due, or will be paid, to any person receiving or holding such engraved or printed note, due bill, ticket or change bill, or to any other person, it shall be lawful for any person holding such engraved or printed note, due bill, ticket or change bill, to recover thereupon three times the amount thereof, either from the person or persons, company, body politic or corporate, who shall put into circulation, or cause to be put into circulation, such engraved or printed note, due bill, ticket or change bill, or from any person who may have signed or countersigned the same. Such recovery to be had by warrant or summons, before a justice of the peace; and on the trial of every such warrant or summons, if the note, due bill, ticket or change bill, be in part or in whole engraved or printed, it shall be conclusive evidence of an intention to violate this act.

The amount
of such change
bills hereto-
fore issued to
be returned
upon oath to
the tax receiv-
er by the per-
sons, &c. who
issued them.

20 per cent.
thereon to be
paid to the
tax collector.

Forfeiture for
not making re-
turns.

How reco-
verable.

Treble the
amount reco-
verable by
persons hold-
ing change
bills not re-
turned.

SECT. 3. *And be it further enacted;* That where such printed or engraved notes, due bills, tickets or change bills, have heretofore been issued within this state, for any amount less than two dollars each, it shall be the duty of the person or persons, body politic or corporate, (other than the incorporated banks,) issuing or signing the same, to make due return upon oath, on or before the first day of June next, to the receiver of tax returns of their respective counties, of the amount of such notes, due bills, tickets or change bills, in circulation, (to the best of their knowledge,) at the time of making said return; and shall pay to the tax collector of the proper county 20 per centum on the amount aforesaid; and on failure to make such return as is herein required, the person or persons, company, body politic or corporate, so neglecting, shall forfeit and pay the sum of five hundred dollars for the use of this state; to be recovered as is prescribed in cases of executions issued by tax collectors of this state; which executions may be issued against, and levied on the individual property of any or all the parties concerned. And it shall moreover be lawful for any person holding the note, due bill, ticket or change bill of any person or persons, company, body politic or corporate, so taxed, who may have omitted to make the return on oath to the tax receiver, as required by this act, to recover by warrant or summons, before a justice of the peace, from the person or persons, company, body politic or corporate, who have issued or signed such

note, due bill, ticket or change bill, treble the amount thereof: *Provided*, that where the same notes, due bills, tickets or change bills, have been signed or issued by different persons, the faithful return of the amount in circulation, and the payment of the tax by either of the signers or issuers, shall exonerate all other persons concerned in signing or issuing such particular parcel of notes, due bills, tickets or change bills, from the penalties imposed by this act against those neglecting to make return of the notes, due bills, tickets or change bills, subject to taxation. (No. 58.)

SECT. 4. *And be it further enacted*, That the incorporated banks of this state be, and they are hereby required to pay specie for their notes in circulation, whenever the Bank of the United States, and the banks of the adjacent states, shall commence specie payments; and for the purpose of supplying, in the mean time, a proper circulating medium of change, it is hereby required of the several incorporated banks in this state to pay, after the 20th February next, all notes issued by them under the amount of five dollars, in specie, or in small bills issued by some one of said incorporated banks, under the amount of one dollar, whenever any person presenting notes of the denomination first aforesaid, shall demand change; and on failure of either of the incorporated banks of this state to pay specie for their notes, when the bank of the United States, and the banks of the adjoining states, shall commence specie payments; or on their refusal, or the refusal of any one of them, to pay out small change as aforesaid, it shall be lawful for any person holding the notes of either of said banks, for which such payment is refused, to have such notes protested for non-payment before a notary public, and to recover interest on the same from the date of such protest, until paid in specie or small change, as the case may be, at and after the rate of twenty-five per centum per annum.

Banks of this state to pay specie, when the U. States Bank and others shall do so.

Bills under five dollars to be paid in specie, or small change bills of incorporated banks. 25 per cent. interest recoverable upon bills protested for non-payment, agreeably to this act.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 59.)

AN ACT

To alter and amend an act, entitled "An act to levy a tax for the support of government, for the political year 1816," passed on the 16th December, 1815; and also to alier and amend an act passed on the 19th December, 1816, entitled "An act to prevent the issuing of notes emitted by unchartered Banks," and for other purposes.

Issuers of
change bills
relieved from
the forfeitures
incurred un-
der the recit-
ed acts.

Exception.

Oath to be
made.

Proviso.

Returns to be
made.

20 per cent.
tax to be paid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all and every person or persons, who may have incurred the penalty of five hundred dollars under either or both of the above recited acts, be, and they are hereby exonerated, released and fully discharged from the same, except such persons as continued to issue or circulate change bills after the first of March, 1817, who shall make oath of the fact before some justice of the peace, or of the Inferior Court: Provided, said person or persons do, on or before the first day of January next, make a return, under oath, to the best of his, her or their belief, to the tax collector of their respective counties, of the amount of change bills which he, she or they had in circulation on the first day of January, 1816, and on the first day of January, 1817; And provided also, that such person or persons shall and do, at the time of making said return, pay to the said tax collectors respectively twenty per centum upon the amount so in circulation, and shall also pay all legal costs which may have accrued thereon.*

Persons in de-
fault may give
bond and se-
curity, and re-
lieve their
property.

SECT. 2. *And be it further enacted by the authority aforesaid, That in all cases where the person or persons so in default shall tender to the proper officer a bond, with sufficient security, to comply with the foregoing provisions of this act, it shall be the duty of such officer to surrender up the property which he may have levied upon, and also to discontinue all further proceedings thereon, until after the first day of January next.*

Tax collector
to receive said
returns, and
administer the
oath.

SECT. 3. *And be it further enacted by the authority aforesaid, That it shall be, and is hereby made the duty of the tax collector of each county, when proper application shall be made to him, to receive said returns, and to administer said oath.*

SECT. 4. *And be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this act, be and the same are hereby repealed.*

(No. 59.)
Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, December 8th, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 60.)

More effectually to prevent the evils of private banking, and to stop the issuing and circulation of the bills and notes of unchartered Banks, private bankers, and the bills and notes usually called change bills.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person, association of persons or body corporate, from and after the first day of January, eighteen hundred and twenty, to keep any banking house, room, shop or office, office of discount and deposit, or of discount only, or of deposit only, or any room, house, shop or office, for the purpose of carrying on any kind of banking, or operations which incorporated banks are authorized by law to carry on, or to issue, emit, circulate, lend, pass, pay or tender in payment, as private bankers, any bills or promissory notes of private bankers, incorporated or unincorporated banks or banking companies, copartnership or association, by whatsoever name it may be called, unless thereto specially authorized by law; and in case any person or persons, copartnership, association or body corporate, shall contravene the foregoing provisions, every such person or persons, and every member of such copartnership, association or body corporate, who shall, either directly or indirectly, assent thereto, shall forfeit the sum of one thousand dollars, to be sued for in the name of the state of Georgia, by the attorney general or solicitor general in the several circuits, and recovered by an action of debt or on the case, in any court of competent jurisdiction in this state, with costs; and one half of said forfeiture, when recovered, shall be paid to the use of the state, and the other half to the use of the informer; and every day during which, or during any part of which, such prohibited banking house, room, shop or office, is kept open, or such prohibited business, or any of it, transacted therein, shall*

Unchartered
banks and
private bank-
ing prohibit-
ed.

Forfeiture for
breaches of
this law.

How recover-
able.
One half to the
state; the
other to the
informer.

(No. 60.)
What shall
constitute se-
parate and dis-
tinct breaches.

constitute a new, separate and distinct offence, and shall be liable to a new, separate and distinct penalty; and every promissory note discounted, and every note or bill in the likeness of a bank note or bill, whether payable to order or bearer, or in whatever shape or terms the same be conceived, which shall be so as aforesaid issued, emitted, circulated, lent, passed, paid or tendered in payment, contrary to the spirit, true intent and meaning of this act, shall constitute a new, separate and distinct offence, and shall be liable to a new, separate and distinct penalty.

On the failure
of any person,
&c. not au-
thorized to
issue bills, to
pay their bills
in specie or in
bills of the
chartered
banks of this
state, the
holder may
recover $2\frac{1}{2}$ per
cent. per
month there-
on.
How recover-
ed.

SECT. 2. *And be it further enacted,* That from and after the first day of January, eighteen hundred and twenty, if any incorporated company, not authorized by law to issue bills and notes, unincorporated bank, or any private banker, banking company, co-partnership or association, by whatsoever name the same may be called, shall refuse or neglect to pay on demand, in gold or silver, or in bills of any chartered bank of Georgia, any bill or bills issued by such incorporated company, unincorporated company, co-partnership or association, by whatsoever name the same may be called, issued, paid and loaned, after the first day of January, eighteen hundred and twenty, shall be liable to pay to the holder of such bill or bills, note or notes, two and a half per cent. per month, upon the amount of bill or bills, note or notes, so demanded, to be recovered by action of debt or on the case, in any court of competent jurisdiction; and in any such action so brought by the holder of any bill or bills, note or notes, so demanded, and so refused to be paid in gold or silver, for two and a half per cent. per month, on the amount of said bill or bills, note or notes, and for the amount of said bill or bills, the defendant or defendants shall not be allowed to plead or avail him or themselves, in any state of said suit, of the non-joinder of other partners, joint promissors or contractors, but the suit or action shall proceed against the person or persons sued, as if he or they alone had promised or contracted; and the private and individual property of the defendant or defendants shall be subject to the execution issuing upon such suit or action.

Defendant not
allowed to
plead, non-
joinder, &c.

No part of this
law to author-
ize the esta-
blishment, &c.
of any private
or uncharter-
ed bank.

SECT. 3. *And be it further enacted,* That nothing herein contained shall authorize any person or persons, copartnership, association of persons or body corporate, not specially authorized by law, who had not kept an office of deposit and discount, or discount only, or who had not emitted, circulated, lent, passed and paid, bills and notes, as bankers or discounters, previous to the first day of November, eighteen hundred and eighteen, to keep any office of discount and deposit, or discount only, or to emit, circulate, lend, pass or pay, any bills and notes, or bills or notes; but if any person or persons, copartnership, association of persons or body corporate, not specially authorized by law, who had not kept an office of discount and deposit, or discount only, or who had not emitted, circulated, lent, passed and paid, bills and notes, as bankers or discounters, previously to the first day of November, eighteen hundred and eighteen, shall keep an office of discount and deposit, or discount only, or shall emit, circulate, lend,

pass or pay, as bankers or discounters, any bills and notes, or bills or notes, after the first day of March, eighteen hundred and nineteen, such person or persons, copartnership, association of persons or body corporate, shall forfeit the sum of one thousand dollars, to be sued for and recovered, and vested as the forfeiture in the first section of this bill; and every day during which, or any part of which, such prohibited office of discount and deposit, or discount only, is kept open, or such prohibited business, or any part of it, transacted therein, shall constitute a new, separate and distinct offence, and shall be liable to a new, separate and distinct penalty; and every promissory note discounted, and every note or bill in the likeness of a bank note or bill, whether payable to order or bearer, or on demand, or in whatsoever shape or terms the same may be conceived, which shall be so as aforesaid issued, emitted, circulated, lent, passed, paid, or tendered in payment, contrary to the spirit, true intent and meaning of this act, shall constitute a new, separate and distinct offence, and shall be liable to a new, separate and distinct penalty.

(No. 60.)
Forfeiture for
a breach of
the foregoing
provision.

SECT. 4. *And be it further enacted*, That if any person or persons, copartnership, association of persons or body corporate, not specially authorized by law, shall, after the first day of October next, issue, emit or lend, any bill or note, under the specified value of one dollar, such person or persons, copartnership, association of persons or body, shall forfeit the sum of one hundred dollars for each bill or note so issued, emitted or lent, to be sued for, recovered and vested, as the forfeiture mentioned in the first section of this act.

Penalty for
emitting
change bills
under one
dollar.

SECT. 5. *And be it further enacted*, That all laws or parts of laws, repugnant to this, be and the same are hereby repealed.

Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 61.)

AN ACT

To relieve certain persons, who are in default as change bill issuers, herein mentioned, from the penalties incurred by the acts of eighteen hundred and sixteen and eighteen hundred and seventeen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

Mark Donald Clark and Matheson relieved from the penalties of the recited acts, upon certain conditions.

That Mark Donald Clark, who petitions for self and Matheson, to be relieved from the penalty imposed upon them as change bill issuers, in the year eighteen hundred and sixteen, and as defaulters in the year eighteen hundred and seventeen; that from and after the passing of this act, the said Mark Donald Clark and Matheson are fully exonerated, released and discharged from the fine or fines which they have incurred, under either or both of the acts as above mentioned, upon the payment of twenty per centum upon the sum of three hundred and fifty dollars, with eight per centum interest on the same from the time of first incurring such penalty or penalties.

Their property to be restored.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the property which has or may now be seized, or that has become subject by execution or otherwise, under the laws of eighteen hundred and sixteen and eighteen hundred and seventeen, belonging to the said Clark and Matheson, shall be restored to them, upon the payment of all costs which have accrued, and the receipt of the treasurer of this state, or of the tax collector in such county where they have become subject as defaulters, being produced to the officer having such property in possession; any law or resolution to the contrary notwithstanding be and the same are hereby repealed, with respect to the persons herein mentioned.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 66.)

For the relief of the City Council of Augusta, and other change bill issuers therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the city council of Augusta be, and they are hereby liberated and exonerated from all the pains and penalties of an act passed the sixteenth day of December, 1815, and all amendatory acts to said act, laying a tax on issuers of change bills, any thing in the said acts to the contrary notwithstanding.*

The city council of Augusta relieved from certain penalties.

SECT. 2. *And be it further enacted by the authority aforesaid, That the Change Company of Augusta and Cosby Dickinson of said city, be, and they are hereby relieved from the penalties of said before recited acts; Provided, they shall, on or before the first day of January next, make a statement on oath to the receiver of tax returns of the county of Richmond, in conformity to the law passed in 1818, and in ten days thereafter pay to the tax collector of said county the tax as required by said law.*

The Change Company of Augusta, and Cosby Dickinson relieved from certain penalties incurred as change bill issuers.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

BOAT HANDS.

1815.

(No. 63.)

AN ACT

For the better regulation of Boats and Boats' Crews navigating the Savannah River, from the city of Augusta to the head waters of said river.

Preamble.

WHEREAS, the inhabitants of this state, residing on or near Savannah river, complain of serious injuries inflicted on their rights and property by boats' crews navigating the waters aforesaid: for remedy whereof,

Owners of boats running from Augusta to the head waters of Savannah river required to give a bill of lading, &c. which may be examined by any free white person.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of January next, it shall be the duty of all owners or agents of boats employed in the navigation of the aforesaid waters, to grant to each and every boat respectively, previous to its departure from the landing or wharf, a certificate or bill of lading, showing its destination and contents, the name of its patroon and consignee, which certificate or bill of lading shall at all times be subject to the examination of any free white person or persons requiring the same.*

Penalty for not furnishing such bill of lading, and for the patroon's not showing it.

SECT. 2. *And be it further enacted, That if any owner or agent as aforesaid shall neglect or refuse to furnish the certificate or bill of lading required by this act, or the patroon, upon application, or being required by any free white person as aforesaid, shall refuse to exhibit his certificate or bill of lading as aforesaid, the owner of such boat or boats shall, for every such refusal or neglect, be liable to indictment in the Superior Courts of this state, and on conviction thereof forfeit and pay the sum of fifty dollars, one half thereof to the use of the informer, and the other half to the use of the county where such conviction shall take place.*

How disposed of.

SECT. 3. *And be it further enacted*, That owners of boats navigating the waters aforesaid, shall be liable and compelled to pay for all pillages and thefts committed by their respective crews, on conviction of the offender or offenders.

(No. 63.)
Boat owners
liable to pay
for the thefts
of their boat
hands.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 64.)

To prevent Boat owners or Patroons from permitting Boat hands, or other negroes, from trafficking in corn or other produce, or from carrying the same to market on board of the boats accustomed to navigate the river Savannah, between Augusta and Savannah.

WHEREAS, the practice of permitting negroes on board of the boats navigating the Savannah river, to carry corn, cotton, or other produce to market, as their own property, has been found, by fatal experience, to be an encouragement of theft: And whereas, it is right and proper, that such encouragement should not any longer be held out to this description of persons: for remedy whereof,

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any owner or patroon of a boat to suffer or permit any boat hand or negro, being a slave, to put on board their boat, whereof he is owner or patroon, any corn, cotton, peas, or other article of produce, as the property of such boat hand or negro, for the purpose of carrying the same to Savannah or elsewhere to market, or for sale; nor shall such owner or patroon suffer the boat hands, or other negroes, being slaves as aforesaid, on board

Boat hands
not suffered to
put on board
articles of pro-
duce, or to
traffic therein.

* This act altered, and extended by act of 1817, No. 65.

(No. 64.) of their boat or boats, to barter or trade, the one with the other, in any article of produce as before enumerated, under any pretext whatever.

Boat owners or patroons, suffering violations of the foregoing provision, liable to fine and imprisonment.

SECT. 2. *And be it further enacted by the authority aforesaid,* That any owner or patroon, offending against the provisions of the first section of this act, shall be subject to indictment in the Superior Court of the county in which the offence shall be committed; and upon conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court before whom such indictment shall or may be tried.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 65.)

AN ACT

To alter and extend an act, entitled An act to prevent Boat owners or Patroons from permitting boat hands, or other negroes, from trafficking in corn or other produce, or from carrying the same to market on board of the boats accustomed to navigate the river Savannah, between Augusta and Savannah.

The provisions of the recited act extended to all navigable rivers, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the before recited act shall be held, deemed and considered in full force, from Augusta to the head navigation of Savannah and Broad rivers, and in all the rivers that now are, or hereafter may be, made navigable in this state.

Penalties of the recited act extended, &c. &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any owner or patroon of any boat, accustomed to navigate between the head navigation of said Savannah and Broad rivers to Augusta, or in any other river that now is, or hereafter may be made navigable in this state, shall offend against the first section of the before recited act, shall be subject to all the pains and penalties contained in the second section of said act.

SECT. 3. *And be it further enacted*, That all or any offence against this act, or the one to which it is amendatory, shall be tried and punished in any or either of the counties of this state, adjoining the water-course on which the offence was committed. (No. 65.)

Offences
against this
and the recit-
ed act, where
to be tried.

SECT. 4. *And be it further enacted*, That the aforesaid act shall be held, deemed and considered as extending to all rivers that now are, or hereafter may be made navigable in this state.

Extending
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to; 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

BRIDGES, TOLL.

1811.

(No. 66.)

AN ACT

To secure to Sarah M^cLeod the exclusive right and privilege of erecting a Bridge over the Ohoopée river.

A toll bridge to be established across Ohoopée, by Sarah M^cLeod, and vested in her, &c.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the exclusive right and privilege of building a bridge over the river Ohoopée, at or near where a ferry is now kept by Sarah M^cLeod, shall be, and the same is hereby vested in the said Sarah M^cLeod, her heirs and assigns forever: Provided, the said Sarah M^cLeod, or her assigns, shall within five years erect a good and sufficient bridge, for the passage of travellers, with waggons, horses, &c.; and if, at any time after building the said bridge, the owner thereof shall suffer the same to go out of repair for the space of three years, then the benefits intended by this act shall be forfeited, and until the said bridge is erected a ferry shall be kept at the place aforesaid.*

No other person to erect any bridge within a certain distance of the one aforesaid.

SECT. 2. *And be it further enacted, That it shall not be lawful for any person or persons whatever to erect a bridge over the said river, within three miles up or down the said river from the place herein before mentioned; any thing in any law to the contrary notwithstanding.*

Toll rates.

SECT. 3. *And be it further enacted, That the said Sarah M^cLeod, her heirs and assigns, shall and may receive and take the several sums herein after specified, as toll or ferriage at the place aforesaid, that is to say: For every foot passenger, six and a quarter cents; for each man and horse, twelve and a half cents; for each single horse led or drove, six and a quarter cents; for each chair or sulkey, twenty-five cents; for all four wheel pleasure carriages, fifty cents; for each waggon, team and driver, fifty cents; for*

a rolling hogshead, including horse and driver, twenty-five cents ; for each cart, horse (No. 66.) and driver, twelve and a half cents ; for each head of cattle, two cents ; for each head of hogs, sheep, goats, &c. one cent.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 67.)

To authorize Colonel Pascal Harrison, his heirs and assigns, and the heirs and representatives of George Cluff, deceased, to build a Toll Bridge across the Oconee river, at or near the mouth of the Appalachian river.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Colonel Pascal Harrison, his heirs and assigns, and the heirs and representatives of George Cluff, deceased, are hereby authorized to build a toll bridge across the Oconee river, at or near the mouth of the Appalachian river.*

Certain persons authorized to build a toll bridge across the Oconee, near the mouth of Appalachian.

SECT. 2. *And be it further enacted, That the said Pascal Harrison, his heirs and assigns, and the heirs and representatives of the said George Cluff, deceased, shall hold the said bridge and all the profits arising therefrom, and be entitled to receive and may lawfully demand from travellers passing over said bridge, the following rate of toll : For every four wheel carriage twenty-five cents ; for each two wheel carriage twelve and a half cents ; for each rolling hogshead, twelve and a half cents ; for each man and horse (or rider) six and a quarter cents ; for each and every other horse, mule, cattle, sheep, hog or goat, one cent per head.*

Toll Rates.

SECT. 3. *And be it further enacted, That the said Pascal Harrison, and the heirs or representatives of the said George Cluff, deceased, shall give their bond, with sufficient security, to the Inferior Courts of Greene and Morgan counties, under the penalty of*

Said persons to give bond and security to keep said bridge in repair, &c.

(No. 67.) one thousand dollars, to keep the said bridge in good, safe, passable repair, (casualties excepted.)

This law not to affect the powers of the Oconee navigation company.

SECT. 4. *And be it further enacted,* That nothing herein contained shall go to affect the powers confided by law to the navigation company of said river Oconee.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 68.)

AN ACT

To authorize Joseph Cooper to erect a Toll Bridge across the Oconee river, at or near his mills, on his own land.

Joseph Cooper authorized to erect a toll bridge at his mills on the Oconee.

Rates of Toll.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That Joseph Cooper, his heirs and assigns, shall have a right to erect a toll bridge over the Oconee river, at or near his mills, on his own land, and is authorized to receive the following toll, viz: For every loaded waggon and team, fifty cents; for every empty waggon and team, thirty-seven and a half cents; for every loaded cart and three horses, twenty-five cents; for every empty cart and three horses, eighteen and three quarter cents; for every loaded cart and two horses, eighteen and three quarter cents; for every empty cart and two horses, twelve and a half cents; for every cart and one horse, twelve and a half cents; for every man and horse, six and one quarter cents; for every chair or sulkey, twenty-five cents; for every four wheel pleasure carriage, fifty cents; for every rolling hogshead, twenty-five cents; for every head of neat cattle, two cents; for

every head of hogs, sheep or goats, one cent; any law, usage or custom to the contrary (No. 68.) notwithstanding.

ROBERT IVERSON,
Speaker of the House of Representatives.
MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 69.)

To secure to John M^cKinne and Henry Shultz, their heirs and assigns, the exclusive right to a Bridge across Savannah river, at or near Augusta.

WHEREAS, John M^cKinne and Henry Shultz have, by their memorial, made it known to the Senate and House of Representatives of the state of Georgia, that they have at very considerable expense, and with great personal attention, erected a strong, elegant and substantial bridge across the river Savannah, at the city of Augusta, well calculated to facilitate the intercourse of this state with the state of South Carolina, and of consequence of great public utility and convenience, and stating that they are now the proprietors of said bridge, and praying that they may be secured in the exclusive right to the same. And whereas, it is just and proper that the fostering and protecting arm of the government should be extended to all such valuable undertakings;

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the exclusive right of erecting, having or keeping a bridge across the river Savannah, at Augusta, or within four miles thereof, either above or below said city, be, and the same is hereby vested in John M^cKinne and Henry Shultz, their heirs and assigns, as tenants in common, and not as joint tenants, for, during and until the full end and term of twenty years from and after the passing of this act: *Provided*, that the said John M^cKinne and Henry Shultz shall keep the said bridge in good repair: *And provided also*, that nothing herein contained shall operate to defeat, or in the slightest manner to impair, the right of the trustees of the Richmond Academy to the ferry

Exclusive right of keeping a toll bridge across Savannah river, at or within four miles of Augusta, vested in John M^cKinne and Henry Shultz, for 20 years. Proviso.

(No. 69.) landing at Augusta: *And provided also*, that the consent of the said trustees be obtained.
 Proviso. *Provided also*, that nothing contained in this act shall be so construed as to prevent the
 Proviso. running of a ferry-flat at Wallicon's ferry, or at Campbellton.

Rates of toll. SECT. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said John M^cKinne and Henry Shultz, their heirs and assigns, to demand, have and receive the following toll, and no more, at their said bridge, for the term aforesaid, to wit: For every waggon and team, seventy-five cents; for every four wheel carriage, seventy-five cents; for every two wheel carriage, thirty-seven and a half cents; for every cart, thirty-seven and a half cents; for rolling hogsheads of any kind, twenty-five cents; for a man and horse, twelve and a half cents; for a man on foot, six and a quarter cents; for every horse or cow, six and a quarter cents; for every hog, goat or sheep, four cents.

No bridge to be erected within four miles of Augusta on said river, without the consent of M^cKinne and Shultz. SECT. 3. *And be it further enacted by the authority aforesaid*, That no other bridge across the Savannah river shall be established or permitted, on any pretence whatever, within four miles of the city of Augusta, either above or below the said city, unless by the consent and approbation of the said John M^cKinne and Henry Shultz, their heirs or assigns, during the continuance of the exclusive right hereby vested in the said John M^cKinne and Henry Shultz, their heirs and assigns.

How said exclusive right may become void. SECT. 4. *And be it further enacted by the authority aforesaid*, That if the bridge so erected by the said M^cKinne and Shultz shall be destroyed by freshets or otherwise, and shall not be again rebuilt within two years thereafter, or if the said bridge shall, from want of repairs or from any other cause, be impassable for the space of two years at any one time, then and in such case, the right hereby vested in the said John M^cKinne and Henry Shultz, shall immediately thereafter cease, determine and become void, as if this act had never passed.

Repealing clause. SECT. 5. *And be it further enacted by the authority aforesaid*, That all acts and parts of acts militating against this act, be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate.

Assented to, 9th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 70.)

To secure to John Beck, his heirs and assigns, the right to erect a bridge across Savannah river, at his own ferry.

WHEREAS, the legislature of the state of South Carolina did, at their last session, Preamble.
grant unto John Beck the right to build a bridge across the Savannah river at his own
ferry: And whereas the said John, by his petition to this legislature, has prayed for a
grant on the part of this state, and believing it will be of public utility in facilitating
the intercourse between the most commercial cities of the two states;

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,* That John Beck authorized to erect a toll bridge on Savannah river.
the said John Beck, his heirs and assigns, shall have the right and privilege of erecting a
bridge across the river Savannah, at his own ferry, on his or their own lands: *Provided,*
the said John Beck, his heirs or assigns, shall within three years erect a good and suf- Proviso.
ficient bridge across the said river, sufficiently high in low water to admit the passage
of boats, burthened with produce or otherwise, under the same; and in high water to
have sufficient draws for their accommodation: *And provided also,* that there shall be Proviso.
at least two arches in the said bridge, at least sixty feet each, between the piers, for the
passage of rafts, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said John Causeways, &c. to be made through the swamp.
Beck, his heirs and assigns, shall at all times be bound to keep up good and sufficient
causeways and hollow bridges through the swamp, from the high lands of Georgia to
the said bridge, for the passage of travellers, &c.

SECT. 3. *And be it further enacted,* That if at any time after the erection of the said What shall occasion a forfeiture of the right.
bridges and causeways, the owner or owners thereof shall suffer the same to be and re-
main out of repair for the space of two years, or shall in any manner impede the navi-
gation of said river, contrary to the true intent and meaning of this act, then the rights
and benefits intended by this act shall become forfeited, and of course null and void:
Provided nevertheless, That the said John Beck, his heirs and assigns, shall at all times Proviso.
stand bound to make good all damages which may happen by reason of the badness or
want of repair of the said bridge and causeways, or any part thereof, when the same
does not amount to a forfeiture as above; to be recovered in any court having compe-
tent jurisdiction thereof.

(No. 70.) SECT. 4. *And be it further enacted*, That the said John Beck, his heirs and assigns, shall be entitled, for the space of twenty-three years, to have, demand and receive toll, at the same rates that are allowed and received at the bridge at Augusta, and no more ;
 Rates of toll. *Provided*, that the said John Beck, his heirs and assigns, shall at all times, when the said causeways are inundated, provide a suitable and safe conveyance to the high land.
 Proviso.

Toll rates
across the
swamp re-
gulated.

Proviso.

SECT. 5. *And be it further enacted*, That the said John Beck, his heirs and assigns, for the trouble and expense he or they have or may hereafter be at, in raising and keeping in repair the causeways and bridge, through the swamp as aforesaid, be entitled to have, demand and receive the following toll, to be collected at the same time and place that the toll for the bridge across the river is collected, to wit : For every four wheel carriage, one dollar ; for every two wheel carriage, fifty cents ; for a man and horse, six and a quarter cents ; for each head of cattle, sheep, goats or hogs, four cents : *Provided nevertheless*, that no person shall be compelled to pay the said toll for going to the said river to fish, or for passing to and from their lands in said swamp.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 71.)

AN ACT

To authorize William Smith to erect a Bridge across the creek called the Beaver-dam, in Scriven county, on the road leading from Savannah to Augusta.

William Smith
authorized to
build a toll
bridge across
Beaver-dam,
in Scriven
county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That William Smith, his heirs and assigns, shall be, and he or they are hereby authorized and bound to erect a good and substantial bridge across the creek called Beaver-dam, at or near the place where the old bridge now stands, and to keep the same in complete repair for and during the term of ten years.

SECT. 2. *And be it further enacted*, That the said William Smith, his heirs and assigns, as a compensation for their trouble and expense in erecting and keeping the said bridge in repair, shall be authorized to ask, demand and receive the following toll from

all travellers, not citizens of the county of Scriven, for crossing said bridge, to wit: (No. 71.)
 For every four wheel carriage or waggon, fifty cents; for every two wheel carriage or cart, twenty-five cents; for a man and horse, twelve and one half cents; for every head of cattle, four cents; for sheep, goats and hogs, two cents; for horses, led or in droves, six and a quarter cents: and the said William Smith, or any other person or persons claiming under him, shall be, and he or they are hereby bound to make good all demands which shall happen by reason of the badness or want of repair of said bridge.

Toll rates.

The proprietor liable for damages arising from the insufficiency of the bridge.

SECT. 3. *And be it further enacted*, That the said Smith shall be allowed one year from the date of this act to build the said bridge; and shall be allowed to receive toll for crossing the old bridge for the term of said year, at the rates heretofore established by law, provided the said bridge is kept in good repair.

Time allowed for building said bridge.

SECT. 4. *And be it further enacted*, That the right herein granted shall be forfeited, unless the said William Smith, or some person or persons claiming under him, shall build a bridge of the dimensions of the one herein described, within one year from the date of this act.

Forfeiture of the right.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for the said William Smith, his heirs or assigns, to ask or demand from any person or persons any toll for passing said bridge, unless the said bridge shall be, in its whole length, at least twenty feet wide, and well secured from one end to the other, on both sides, with arms or railing, at least four feet high.

Dimensions, &c. of said bridge.

SECT. 6. *And be it further enacted*, That it shall not be lawful for any other person to erect a bridge on the said creek, within two miles of the bridge so erected by the said William Smith, either above or below.

No other person to build a bridge in two miles of the one aforesaid.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 72.)

AN ACT*

To authorize James Rousseau to erect a Bridge over the Oconee river, at or near his ferry, on the main road leading from Milledgeville to Augusta and Savannah.

Preamble.

WHEREAS, James Rousseau, by his petition to this legislature, has prayed the privilege of erecting a bridge over the Oconee river, at or near his ferry, where the main road leading from Milledgeville to Augusta and Savannah crosses the same; And whereas, it is thought and believed that to grant him such privilege will tend to promote the public convenience;

Jas. Rousseau,
authorized to
erect a toll
bridge across
the Oconee
river.

Toll rates.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the said James Rousseau is hereby authorized to erect a toll bridge across the said river, at or near his ferry, for and during the term of twenty-one years after the same shall be completed, at the following rates of toll, viz: For a loaded waggon, fifty cents; for an empty waggon and four horses, thirty-seven and a half cents; for a cart and two horses, twenty-five cents; for a rolling hogshead of tobacco, twenty-five cents; for all four wheel pleasure carriages, fifty cents; for all two do. twenty-five cents; for a man and horse, twelve and a half cents; for led horses or mules, six and a quarter cents; for each foot passenger, six and a quarter cents; for all cattle, three cents each; for goats, sheep or hogs, two cents per head: *Provided*, that the said bridge shall be completed within the term of three years from the passage of this act, and shall be so constructed as to admit the passage of any boat or raft which may be brought down said river.

Proviso.

A portion of
the town com-
mon to be
laid out for
the erection
of said bridge.

SECT. 2. *And be it further enacted,* That the commissioners of the town of Milledgeville do lay out and apportion to the said James Rousseau, so much of the town common as may be necessary for the building of the said bridge on, at such place as may be designated, near the ferry aforesaid.

What shall oc-
casion a for-
feiture of the
privilege.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if the bridge so authorized to be erected by James Rousseau shall not be built and passable for carriages, within three years from the passage of this act, or if it shall be destroyed by freshets,

* See the following act of 1817, altering and amending this.

or otherwise, and shall not be again rebuilt within two years thereafter, or shall, from (No. 72.) want of repairs, or from any other cause, be impassable for the space of two years at any one time, then, and in any such case, the right hereby vested in the said James Rousseau shall immediately thereafter cease, determine, and become void, as if this act had never passed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 73.)

To alter and amend An act authorizing James Rousseau to build a Bridge across the Oconee river, at or near his ferry.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act, the said James Rousseau, his heirs or assigns, is hereby authorized to erect a toll bridge across the Oconee river, at or near his ferry, for and during the term of twenty-one years after the same shall be completed.

Jas. Rousseau
authorized to
build a toll
bridge across
the Oconee.

SECT. 2. *And be it further enacted,* That the commissioners of the town of Milledgeville lay out and apportion to James Rousseau, his heirs or assigns, so much of the town common as may be necessary for the building of said bridge.

A portion of
the town com-
mon to be
laid out for its
erection.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said James Rousseau, his heirs or assigns, shall have the exclusive privilege of building the aforesaid bridge on the town common of Milledgeville: *Provided,* the said bridge is built within three years from the passage of this act.

The privilege
to be exclu-
sive.

Proviso.

(No. 73.) SECT. 4. *And be it further enacted*, That nothing in this act shall be so construed as Navigation not to authorize the said James Rousseau to construct a bridge so as to impede the navigation to be impeded. tion of said river.

Repealing SECT. 5. *And be it further enacted by the authority aforesaid*, That all laws, and parts clause. of laws, militating against this law, the same is hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

CANALS.

AN ACT

1818.
 (No. 74.)

To authorize the commissioners of the river Altamaha, or a majority of them, to cut and open two Canals.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the river Altamaha, or a majority of them, are hereby authorized to cut, or cause to be cut and opened, two canals, to wit: one beginning at or near the place known as Catfish creek, and running to the bend of the river opposite, or near a place called and known as Piney Island; the other canal to be cut at or near that part of the river called and known as the Narrows, at or near the place once the plantation of Mr. Joyner: *Provided*, that nothing in this act shall be construed to authorize the said commissioners to cut through the land of any person or persons, without their permission first obtained in writing, or the damages ascertained by at least three commissioners, to be appointed by and sworn before the judge of the Superior Court, or a majority of the justices of the Inferior Court, in the county where the canal or canals shall be cut; which commissioners shall take an oath well and truly to decide (according to the best of their abilities and understanding) on the amount of damages the said canal or canals will do to the person or persons, land or lands, through which they shall run: *Provided further*, that nothing in this act shall be so construed as to bind the state to make any further appropriation to meet the said contracts.

The commissioners of the river Altamaha authorized to cut two canals.

At what places.
 Proviso.

Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 75.)

AN ACT

To establish a company for the Internal Navigation from Ogeechee to Savannah river.

Preamble.

WHEREAS, George Jones, W. B. Bullock, J. M. Berrien, T. U. P. Charlton, A. S. Bullock, R. Isaacs, W. Taylor, R. Richardson, A. Telfair, J. Shellman, W. Scarbrough, W. Davies, A. G. Semms, A. B. Fannin, J. Marshall, L. Kollock, J. Habersham, B. Burroughs, T. Bourke, and others, have, by there petition to the General Assembly, represented that the opening an inland navigation between the interior parts of this state and the city of Savannah, by means of a canal and lock, from Ogeechee to Savannah river, will be of great utility; that the said petitioners have entered into an agreement for establishing a company for opening and keeping up such communication, if the said undertaking should receive the sanction of the legislature, and prayed to be incorporated by law, under the name and style of *The Company for the Inland Navigation from Ogeechee to Savannah river*; that such a toll as may be reasonable and adequate may be granted them and their successors; and that they may be vested with powers sufficient for carrying the said work fully into effect.

The company for the inland navigation from the Ogeechee to the Savannah river, incorporated.

BE it further enacted by the Senate and House of Representatives, of the state of Georgia, in General Assembly met, and by the authority of the same, That the said petitioners, and such others as shall be admitted into the said company, shall be, and they are hereby incorporated by the name and style of "The Company for the Inland Navigation from the Ogeechee to Savannah River."

Said company may sue and be sued, appoint officers and make bye-laws.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said company, by the name and style aforesaid, shall and may sue and be sued, implead and be impleaded, in any court within this state, and that they may elect and appoint all necessary officers, and from time to time make such rules, regulations and bye-laws as they shall think proper: Provided, the same shall not be repugnant to, or inconsistent with any law of the state.*

Proviso.

May cut a canal from Ogeechee to Savannah river.

May establish and receive toll on goods, boats, rafts, &c.

SECT. 3. *And be it further enacted by the authority aforesaid, That the said company shall and may cause a communication or inland navigation, by a canal and locks, to be made and kept up through such places as to them shall seem most fit and convenient, from Ogeechee to Savannah river, and that they and their successors shall and may fix and establish, and be entitled to take and receive, by way of toll, for all goods and merchandize carried on or through; and boats, vessels and rafts passing*

on or through the said canal, such sums or rates as the said company shall think proper to impose, not exceeding at any time twenty-five per cent. per annum, on the money which they shall have expended in making and keeping in repair the said canal and locks; to ascertain which the books of the said company shall always be liable to the inspection of the legislature; and that the said company or their agents may stop any goods, vessels, boats or rafts from passing on the said canal, until payment of said toll. (No. 75.)

Their books liable to the inspection of the legislature.

They may enforce payment of toll by stopping any boat, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said company shall have power to purchase for themselves and their successors for ever, such land as may be necessary for the purpose aforesaid, and as much land at each end of the canal, and on the opposite shores of the river, as may be necessary for the canal, and where they and the owners of said land cannot agree for the same, to take the said lands on a valuation to be made by a majority of five persons, to be appointed by the Superior Court to value the same; which land shall, on payment of the sum at which it shall be so valued, be vested in the said company.

May purchase land necessary for the purpose aforesaid.

Land, how valued when they and the owners cannot agree.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said company shall be obliged to keep the said canals and locks at all times in good and sufficient order, condition and repair, on pain of being answerable for any damages occasioned by their wilful default or neglect.

Said canal, &c. to be kept in good order.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the shares in the said company shall be for ever exempted from any rate, tax, duty, assessment or imposition whatever, and that the said shares may be sold, transferred, assigned or bequeathed by the proprietors, and in case of their dying intestate shall go as personal estates, according to the statute of distributions.

Shares in said company exempt from taxation. Shall be transferable, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any person shall throw dirt, trees, logs or other rubbish into the said canal, so as to prejudice the same, such person shall be answerable to the said company for the damages occasioned thereby.

Persons throwing dirt, rubbish, &c. in said canal liable to the company.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said company shall and may collect and reserve water for the use of the said canal and locks, making compensation for the damages done thereby; the said damages to be ascertained in the manner described with respect to the value of lands.

Said company may collect water for said canal, &c.

(No. 75.) SECT. 9. *And be it further enacted,* That if, any time after sixty years from the passage of this act, the legislature of this state shall deem it for the interest of the state, the property of the canal shall be vested in the state, then, and in that case, it shall be the duty of the directors for the time being to convey to the state all right and title in the canal, on receiving from the treasury of the state a sum of money equal to all the sums expended in making and improving the canal, with a nett interest: viz. an interest, above all charges, of eight per cent. on such part of the stock as shall not have afforded such an interest.

After 60 years said canal shall be vested in the state, if the legislature deem it expedient.

The manner and terms of transfer.

SECT. 10. *And be it further enacted by the authority aforesaid,* That if any person should be sued for any matter or thing in pursuance of this act, he may plead the general issue, and give this act and special matter in evidence, and on a verdict against the plaintiff, or a non-suit or discontinuance, recover double costs.

Pleadings, &c. in suits under this act regulated.

SECT. 11. *And be it further enacted,* That nothing in this act shall be so construed as to affect the rights of the Ogeechee navigation company.

This act not to affect the Ogeechee navigation company.

SECT. 12. *And be it further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act, and judicially taken notice of as such without special pleading, and liberally construed for carrying the purposes aforesaid into effect.

This declared a public act.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

CENSUS.

AN ACT

1816.
(No. 76.)

To provide for taking the Census of this state, as required by the Constitution.

BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That it shall be the duty of the justices of the Inferior Court, or any three of them, in each county respectively, in ninety days after the adjournment of this legislature, to appoint one or more persons in each county: that is to say, one person in each battalion, that may be in the respective counties, whose duty it shall be to take a full and accurate census or enumeration of all free white persons and people of colour residing therein, distinguishing in separate columns the free white persons from the persons of colour; and return the same to the clerks of the Superior Courts of the several counties, certified under their hands, on or before the first day of October next, the persons so appointed being first severally sworn before the said justices, or either of them, duly and faithfully to perform the trust reposed in them; and it shall be the duty of the said clerks to transmit all such returns to his excellency the Governor, on or before the first Monday in November next, to be by him laid before the legislature; and it shall be the duty of the legislature then in session, to apportion the members of the house of representatives among the several counties, agreeable to the plan described by the constitution.

The justices of the Inferior Courts in each county to appoint persons to take the census of this state.

Mode of taking it prescribed.

Persons so appointed to take an oath.

Returns to be transmitted to the Governor.

SECT. 2. *And be it further enacted, That in case the justices of the Inferior Courts shall fail to appoint persons to take the enumeration within the period of ninety days after the adjournment of the legislature, that then the justices of the peace, or any three of them, shall have and exercise like powers respecting the said census; and if the census or enumeration of any county shall not be so taken and returned, then, and in that case, such county shall be entitled to one representative only.*

In case the justices of the Inferior Courts should fail to appoint persons in the time prescribed, the justices of the peace vested with like representative

authority. Any county wherein no census may be taken, &c. entitled to but one

(No. 76.)

Persons appointed as
aforesaid shall administer the
necessary oaths.
Who deemed as a part of a
family.
Returns shall be made on
oath.

Compensation of those who
take the census.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all persons appointed to take in the census of this state as required by this act, are hereby authorized to administer an oath to all heads of families, or any other person, when they are about to give in the number of their families, that they shall not give in any more than they actually have; and no person shall be considered as a part of a family that does not actually reside and board with the person so giving them in at the time they make the return, and no return shall be taken only on oath.

SECT. 4. *And be it further enacted,* That the persons appointed to take the census or enumeration shall receive the sum of twelve and a half cents for each family so taken and enumerated.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

CERTIORARIES AND INJUNCTIONS.

AN ACT

1811.
(No. 77.)

To regulate the granting Certioraries and Injunctions in this State.

SECT. 1. *BE it enacted by the Senate ana House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the passing of this act it shall not be lawful for any judge of the Superior Court of this state to sanction or grant any certiorari, unless the person or persons aggrieved and applying for the same, shall have previously paid all costs which may have occurred on the trial below, and have given to the magistrate or magistrates, or justices of the Inferior Court, or clerk of the Inferior Court, as the case may happen, good and sufficient security for the eventual condemnation money, or any future costs which may occur.

No certiorari shall be granted unless the applicant shall have paid the costs on the trial below, and given security for the eventual condemnation money, or any future costs.

SECT. 2. *And be it further enacted,* That the person applying for said certiorari, shall produce to the judge authorized to grant the same, a certificate from the magistrate or magistrates, or justices of the Inferior Court who tried the case, or clerk of the Inferior Court, whose duty it shall be to give said certificate, informing said judge that the costs have been paid, and security given in terms of this act.

A certificate that the costs have been paid and security given, also required.

SECT. 3. *And be it further enacted,* That no injunction shall be sanctioned or granted by any judge of the Superior Courts of this state, until the party requiring the same shall have previously given to the party against whom such injunction is to operate, by application to the clerk of the Superior Court for that purpose, a bond with good and ample security for the eventual condemnation money, together with all future costs; which said bond shall be lodged in said clerk's office, subject to the order of the court, and have paid all costs which may have occurred in the case, the subject of the injunction.

Prerequisites in cases of injunctions.

(No. 77.)

In cases of doubt, the security required to justify upon oath.

SECT. 4. *And be it further enacted*, That where any doubt arises as to the sufficiency of the security tendered to any of the persons authorized by this act to take the same, the party so authorized to take the said security may compel the party to justify upon oath, and such justification upon oath shall amount to such sufficiency as to exonerate the party taking the security from any liability.

In what cases a judge may sanction any certiorari or injunction out of his circuit.

Proviso.

SECT. 5. *And be it further enacted*, That no judge of the Superior Court shall grant or sanction any certiorari or injunction out of his judicial district, unless there shall be a vacancy in any of the other districts, or the judges thereof be so indisposed, or be absent therefrom, so that the business of granting certioraries and injunctions cannot be speedily done: *Provided*, no certiorari shall be granted to remove any proceedings from a magistrate's court, until it has been tried by a jury in said court.

In cases of bills of injunction, where the defendant lives out of the state, what shall be a sufficient service.

Injunctions, open for argument and amendment at the first term.

Shall be disposed of at the second term.

SECT. 6. *And be it further enacted*, That in all cases of bills of injunction, where the defendant or defendants reside out of the state, a service on the attorney of the plaintiff in the original action, and a publication of a six months rule obtained from the judge granting the injunction, shall be deemed a sufficient service.

SECT. 7. *And be it further enacted*, That all bills of injunction granted by the Superior Court, or any of them, or which may hereafter be granted, shall stand and be considered as open for argument and amendment, at the first term of the Superior Court which may be holden after the passing of this act, in and for the county where the suit originated, or the first term after the granting such bill of injunction; and that in all cases of injunction they shall be disposed of, and a decision made, at the second term of said court, held in and for the county where such suit originated, any law to the contrary notwithstanding.

A second injunction after the dissolution of the first not allowed.

SECT. 8. *And be it further enacted*, That the dilatory practice of granting bills of injunction a second time, after the dissolution of the first bill or bills, shall not be admissible or allowed of in any case or cases whatever.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

CLERKS, SHERIFFS, AND OTHER OFFICERS.

AN ACT

1811.
 {
 (No. 78.)

To repeal an act, entitled An act to compel the Clerks of the Superior and Inferior Courts to keep their offices at or within one mile of their respective Court-houses, so far as respects the counties of Pulaski and Telfair, which is to operate so far as respects the county of Pulaski.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act, the above recited act is hereby repealed, so far as respects the county of Pulaski, passed on the thirteenth day of December, eighteen hundred and nine.

The recited
 act repealed
 so far as re-
 spect Pulaski
 county.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 79.)

AN ACT.

To compel the Clerk of the Superior and Clerk of the Inferior Courts of the county of Wilkinson to keep their offices at the Court-house, or within one mile thereof.

Preamble. WHEREAS, great inconvenience hath occurred to persons having business to do with the officers aforesaid, from the great distance the same have been kept from the place of holding the Superior and Inferior Courts of said county; for remedy whereof,

Clerks of the Superior and Inferior Courts of Wilkinson, required to keep their offices at or within one mile of the Court-house.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, it shall be the duty of the clerks of the Superior and Inferior Courts for the county aforesaid, to keep their respective offices at the Court-house, or place of holding the Superior and Inferior Courts, or within one mile thereof, any law to the contrary notwithstanding.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 80.)

For the election of the Clerk or other person to whom the care of the records and other proceedings of the Court of Ordinary are vested.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the justices of the Inferior Court, in the several counties throughout this state, at the usual place of holding their courts, on the first Monday in January, in the year eighteen hundred and thirteen, and on the first Monday in January, in every second year thereafter, shall proceed by ballot to the choice of the clerks of the courts of ordinary, who shall hold their office for and during the term of two years, unless sooner removed for mal-practice in office, and until a successor is in manner aforesaid elected. And it is hereby provided, that the clerk in manner aforesaid elected shall be eligible to re-election.*

Clerks of the courts of ordinary, how elected.

Their continuance in office.

May be re-elected.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1815, No. 94, requiring clerks of the court of ordinary to give security. See also title "Executors, &c." act of 1815, No. 211; which authorizes courts of ordinary to appoint their clerks administrators *de bonis non*, in certain cases.

(No. 81.)

AN ACT*

To alter the time of holding the Elections for county officers, so far as respects Sheriffs, Clerks of the Superior and Inferior Courts, Surveyors and Coroners.

Sheriffs,
clerks of the
Superior and
Inferior
Courts, coun-
ty surveyors
and coroners,
when to be
elected.

Repealing
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the elections for sheriffs, clerks of the Superior and Inferior Courts, county surveyors and coroners, of the respective counties within this state, shall be held on the first Monday in January, eighteen hundred and fourteen, and on the first Monday in January, every second year thereafter, in each and every of the said counties respectively.*

SECT. 2. *And be it further enacted, That all other acts or parts of acts, militating against this act, be, and the same are hereby repealed.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* For the manner of filling vacancies in the offices of clerks of the Superior and Inferior Courts, and sheriff, see act of 1817, No. 105.

AN ACT

(No. 82.)

To compel Coroners, Sheriffs and Constables to receive Securities on certain occasions therein expressed.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly met,* That in all cases where a levy is made on property which is claimed by a third person, and good and sufficient security is tendered by the party claiming the same, it shall be the duty of such sheriff, constable or coroner, to take security for treble the amount of the debt on which such execution is founded; for delivery of the property so levied on at the time of sale, provided the property so levied on should be found subject to such execution; then and in that case it shall be the duty of the sheriff, coroner or constable to leave the same in the possession of such claimant, and in case the said claimant or security shall fail to deliver the property at the time and place of sale, agreeably to such bond, it shall be the duty of the officer taking the same to transfer such bond to the plaintiff in execution; and said bond shall be recoverable in any court of law or equity in this state, having cognizance thereof.

When property levied upon is claimed by a third person, and security tendered by the claimant, the sheriff, &c. shall take security for treble the amount of the debt, &c.

SECT. 2. *And be it further enacted,* That in all cases where any of the aforesaid officers shall arrest any person charged with a capital offence,* he shall secure so much of the property of the person so charged, if to be had, as will, in his opinion, be of sufficient value to defray the expense incident to such prosecution, jailor's fees, &c. and make return thereof to the next Superior Court of the county; and it shall be the duty of the judge of said court to order a sale thereof by the sheriff, under the same regulations as govern sheriff's sales under executions: *Provided nevertheless,* that the party charged, or his agent, may replevy such goods, on putting in sufficient security for the delivery of the same, or payment of all the expenses of said prosecution, conviction or execution.

In cases of arrest for any capital offence, the arresting officer required to secure sufficient property of the party charged to defray all costs, &c.

Proviso.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See title "Costs," act of 1816, No. 113; which provides for securing costs in all criminal cases, whether capital or otherwise.

(No. 83.)

AN ACT

To regulate the appointment of Jailors, and to alter and explain the first section of an act, entitled An act pointing out the duty of Sheriffs in selling lands under execution, passed 22d December, 1808.

Sheriffs required to take security from jailors.

Jailors to take an oath.

The oath.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That in future all sheriffs, on appointing a keeper of the jail, to require sufficient security of him or them; and such person appointed shall, before he enters on the duties of his or their office, take and subscribe the following oath before some one of the justices of the Inferior Court of said county, to wit: I, A. B. do solemnly swear or affirm, (as the case may be,) that I will well and truly do and perform all and singular the duties of jailor for the county of —, and that I will humanely treat all criminals who may be brought to jail, of which I am the keeper, and not suffer them to escape by any negligence or inattention of mine, so help me God.*

The first section of the recited act explained.

Proviso.

SECT. 2. *And be it further enacted, That the first section of the before recited act shall not be so construed as to authorize any judge of the Superior Courts to order writs of possession to issue against a third person, residing within the limits of any such survey or tract of land so offered for sale: Provided also, that such person shall not be known in the suit on which such execution is founded, nor have been put in possession by, or claimed under, or by virtue of any conveyance from the defendant in such suit.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 84.)

To compel the Clerks of the Superior and Inferior Courts, Sheriffs, county Surveyors, Coroners, Collectors, and Receivers of Tax Returns of this state, to take the oath and give the security required by law, within the time therein specified.

WHEREAS, by the laws now in force in this state, some inconvenience has, and may again happen, with respect to the time which ought to be given to the clerks elect of the Superior and Inferior Courts, sheriffs, county surveyors, coroners, collectors, and receivers of tax returns to qualify; for remedy whereof,

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the said clerks of the Superior and Inferior courts, sheriffs, county surveyors, coroners, collectors, and receivers of tax returns, shall be bound, in ten days after they are notified of the arrival of their commissions, to take the oath and give the security required by law.*

County officers required to take the oath and give security in ten days after being notified of the arrival of their commissions.

SECT. 2. *And be it further enacted, That in case of the neglect or refusal of any clerk, sheriff, county surveyor, coroner, collector, or receiver of tax returns, to take such oath and give such security within the time aforesaid, it shall and is hereby declared to be the duty of any three or more of the justices of the Inferior Court for the county wherein such neglect or refusal shall have happened, to declare such appointment vacant, and to order another election, by giving at least twenty days notice in writing, at three or more of the most public places in the county.*

In case of neglect or refusal to do so, their appointments to be vacated, and a new election ordered.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1815, No. 94, compelling clerks of the court of ordinary to give security.

(No. 85.)

AN ACT

To authorize Sheriff's sales at St. Mary's, in Camden county.

Preamble.

WHEREAS, great injury is often sustained by the sales, or sacrifice of defendants' property, at the Court-house, in Camden county, situated twenty-two miles from St. Mary's, the most noted commercial town in said county ; for remedy whereof,

Sheriff's sales
in Camden
county to be
made at the
market-house
in St. Mary's.
Proviso.

SECT. 1. *Be it enacted by the General Assembly of the state of Georgia, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the sales of real as well as personal property, levied on by the sheriff or his deputy, of Camden county, shall be made at the market-house, in the town of St. Mary's, on the Saturday next succeeding the first Tuesday in each month : *Provided,* the defendant or his attorney shall so require the same ; any law to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 27th November, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 86.)

AN ACT

To authorize Sheriffs to perform the duties of their office in adjoining counties, in certain cases herein defined.

When the of-
ficial act of a
sheriff is re-
quired in any
case in which

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That in all cases which require the official acts of a sheriff, wherein he is or may be a party in the case, and no coroner can be obtained in the county to perform and execute the office of sheriff, that then and in that case it shall

and may be lawful for any sheriff in an adjoining county, to do and perform all manner of official acts that a coroner is authorized to do and perform in cases where the sheriff is a party interested. (No. 86.)

he is interested, and no coroner can be obtained in the county, the sheriff of any adjoining county authorized to act.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 87.)

To make valid certain acts of the Sheriffs of the counties of Twiggs and Wilkinson, and to legalize certain official acts of other judicial officers in this state.

WHEREAS, the sheriffs of the counties of Twiggs and Wilkinson, having acted in their official capacities after having taken their oath of office, and previous to recording the same; and whereas several judicial officers in this state have proceeded to the discharge of the duties of their respective offices, without having taken an oath to support the constitution of this state and of the United States, as required by law, and whereas, doubts exist as to the legality of such acts: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That all transactions of the aforesaid sheriffs of the counties of Twiggs and Wilkinson, in their official capacities as sheriffs, after the time of their having taken their oath of office, and previous to the time of recording the same, shall be deemed, held and considered valid to all intents and purposes, as if the said oath had been recorded previous to any such transactions, so far as respects the recording of said oath.

Certain acts of the sheriffs of Twiggs and Wilkinson counties, done previous to the recording of their oaths, legalized.

SECT. 2. *And be it further enacted,* That the official acts of the several judicial officers of this state, heretofore transacted, shall be held, deemed and considered as va-

The acts of judicial officers, who have

(No. 87.)
not taken the
oath to sup-
port the con-
stitution of
this state and
of the United
States, lega-
lized.

lid, notwithstanding such officer or officers may not have taken and subscribed an oath to support the constitution of this state and of the United States, so far as respects said oath, any law to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

• EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 88.)

AN ACT

To compel Sheriffs to collect monies under and by virtue of executions issuing from the Treasurer against Tax Collectors, and to pay over the same.

Sheriffs re-
quired to col-
lect monies
under execu-
tions from the
treasurer
against tax
collectors.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the several sheriffs within this state, who have or may hereafter have in their possession, any execution or executions issued by the treasurer of this state, against any tax collector, shall and they are hereby required to levy the same, and collect the amount or amounts thereof, in the same manner as pointed out by law for the collection of executions issuing out of the Superior and Inferior Courts of this state.

Proceedings
against she-
riffs in case of
their failing to
collect or pay
over the
amount of
such execu-
tions.

SECT. 2. *And be it further enacted,* That if any sheriff as aforesaid shall fail to levy and collect the amount of any execution so issued as aforesaid, or to account with or pay over the same to the treasurer when thereunto required, then and in that case it shall be the duty of the attorney or solicitor general within the several judicial circuits of this state, at the request of the treasurer, to apply to the judge of the Superior Court during the session of said Superior Court, or in vacation, of the district wherein such delinquent sheriff may reside, for a rule against such delinquent sheriff, to show cause why an attachment should not be obtained against him on the usual terms for neglect of duty.

SECT. 3. *And be it further enacted*, That it shall be the duty of the judges of the Superior Courts, on application, to grant such rule, and make such order as in their opinion is best calculated to compel the payment of any monies collected or to be collected by sheriffs as aforesaid; and that all monies collected under and by virtue of this act, shall be paid into the hands of the attorney or solicitor general appointed for the circuit where the said monies have or shall be collected; and be by them respectively transmitted to the treasurer of this state.

(No. 88.)

Judges to grant a rule against them, &c.

Monies collected by virtue of this act, to whom payable.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.
Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 89.)

To legalize and make valid the acts and proceedings of Sheriffs and Clerks in this state, in certain cases therein expressed.

WHEREAS the forty-sixth section of the judiciary law of this state, passed in the year 1799, requires, that before any sheriff shall enter upon the duties of his appointment, and being commissioned by the Governor, he shall be bound for the faithful performance of his duty by himself and his deputies, before any of the said judges, to the Governor of the state for the time being, and to his successors in office, jointly and severally with two good and sufficient securities, inhabitants and freeholders of the county, to be approved of by the justices of the Inferior Court, or any three of them, in the sum of twenty thousand dollars: And whereas a custom has heretofore prevailed with the executive department of this state, in issuing the *dedimus potestatem* to qualify the sheriff, to direct the same only to two or more justices of the Inferior Courts of the several counties, in consequence of which the bond, in many cases, given by the sheriffs and their securities, do not appear to have been attested by, or approved by more than two justices of the Inferior Courts; and as doubts and difficulties may, and probably will, at some future day arise, respecting the legality of the acts and proceedings of sheriffs, when their bonds do not appear to have been approved by more than two justices as

Preamble.

(No. 89.) aforesaid, and the proceedings of the courts in the several counties may be called into question; for remedy whereof,

The acts of sheriffs, who have been commissioned by the Governor, taken the oath of office, given bond, and security which has been approved by any one or more of the Justices of the Inferior Courts, legalized.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where persons have been elected sheriffs in the several counties in this state, and have been commissioned by the Governor, taken the oath of office, and have given bond and security which has been approved by any one or more of the justices of the Inferior Courts in the county in which such person shall have been elected and commissioned, and the person so commissioned and qualified has acted as sheriff, that then, and in that case, all official acts done and performed by him, or his deputies, and all judicial proceedings of the courts of the several counties, during the time such person acted as sheriff, shall be taken, held and deemed as legal and valid as if the aforesaid act of 1799 had been fully complied with, in taking the bond, and otherwise qualifying the sheriffs aforesaid; any law, usage or custom to the contrary notwithstanding.

And whereas, some doubts exist, with regard to the legality of the official acts of the several clerks and sheriffs of the different counties in this state, which have been transacted since the 18th day of October last,

Official acts of clerks and sheriffs since the 18th October last, legalized. Their continuance in office.

SECT. 2. *Be it therefore enacted,* That all official acts of any or all sheriffs and clerks in this state, since the aforesaid eighteenth day of October last, shall be deemed, held and considered as legal and valid in law as if such doubts had not, or did not exist; and they shall continue to act in their several official capacities until their successors are elected, commissioned and qualified.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 90.)

To legalize and make valid certain acts of Angus M'Donald, as Deputy Clerk of the Superior Court of the county of Wayne.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That all* Certain acts of the deputy clerk of Wayne county legalized.
acts or parts of acts of the said Angus M'Donald, as deputy clerk of the Superior Court of the county of Wayne, up to the first day of November, eighteen hundred and thirteen, shall be held, deemed and considered valid in law, as if such acts had been done and performed by the clerk of the Superior Court of the county of Wayne, had he continued in office.

SECT. 2. *And be it further enacted, That all acts, and parts of acts, militating with this act, be, and the same are hereby repealed.* Repealing clause:

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 91.)

For the relief of persons who now are in the service of the United States, from this state.

WHEREAS, it may so happen that persons now in the service of the United States, Preamble
 from this state, may be elected as sheriff, clerk, tax collector, county surveyor, or coron-
 er, and the time prescribed by law for them to qualify may expire previous to their
 term of service; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That where* Persons now in the service of the United
any person or persons, now in the service of the United States, from this state, shall be

(No. 91.) elected as tax receiver, tax collector, county surveyor, clerk, or sheriff of any court, or coroner, or any other appointment which by law they, or either of them, would be required to give security, and qualify at any certain period, such person or persons shall be at liberty, and it shall be lawful for him or them to qualify and give such security, at any time previous to the first day of April next; any law to the contrary notwithstanding.

States, from this state, who may be elected to any office wherein they would be required to qualify and give security, may do so at any time previous to the 1st of April next.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

(No. 92.)

AN ACT

To amend and repeal the second and third sections of an act, entitled "An act to authorize the Clerks of the Superior and Inferior Courts, Clerks of the Courts of Ordinary, Sheriffs, Coroners, and Surveyors, to hold their offices during the intervention between the election and commissioning of their successors, and to regulate the transfer of papers and monies," passed the 13th of December, 1809.

A part of the 2d and 3d sections of the recited act repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That from and after the passing of this act, that so much of the second and third sections of the before recited act, as compels clerks of the Superior, clerks of the Inferior, and clerks of the Courts of Ordinary, to make and return a schedule of all the papers appertaining to their offices, thirty days before the election of county officers, to the Inferior Courts of their counties, be and the same is hereby repealed.*

Clerks required to deliver to their successors all official books, &c. in 5 days after their successors are qualified.
Proviso.

SECT. 2. *And be it further enacted, That it shall be the duty of the clerks aforesaid to deliver over to their successors in office respectively, all the books and papers appertaining to their respective offices, within five days after their successors are qualified: Provided, that the said clerks shall make out and deliver to their successors in office respectively, upon oath, a fair and correct schedule of all the papers relative to any unfinished business in their said offices respectively, in term bundles, and all other papers and books appertaining to said office, in good order.*

SECT. 3. *And be it further enacted,* That all sheriffs, coroners, and clerks of any of the courts of this state shall, at any and all times, be subject to the order and rule of said courts, after they have retired from their respective offices, in such cases, and in like manner as they would have been, had they remained in office.

(No. 92.)
Sheriffs, &c.
liable to the
rule and order
of court,
though out of
office.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 93.)

To repeal that part of the third section as relates to Clerks and Sheriffs, entitled An act to authorize the Justices of the Inferior Court in the county of Bryan to levy a county tax, not exceeding one-third of the general tax; and to authorize the said court to collect the monies arising from the rents of the Glebe lands in said county, and to appropriate the same to the defraying county purposes, passed the 4th day of December, in the year one thousand eight hundred and five.

WHEREAS, the justices of the Inferior Court of the county of Bryan are authorized, by the above recited act, to pay monies to the clerks and sheriffs in said county, in order that they may accept and hold their offices to the injury of the inhabitants; for remedy whereof,

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That so much of the above recited act as relates to the clerks and sheriffs, be, and the same is hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

(No. 94.)

AN ACT

To compel Clerks of the Courts of Ordinary to give bond and security for the faithful performance of their duty.

Clerks of the
Courts of Or-
dinary requir-
ed to give
bond and se-
curity.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, it shall not be lawful for any clerk of the Court of Ordinary to exercise the duty of that office, until they shall have respectively given bond and sufficient security to the justices of the Inferior Courts of each county respectively, made payable to his excellency the Governor for the time being, and his successors in office, in the sum of two thousand dollars, for the faithful performance of their duty respectively.

Justices of the
Inferior
Courts to take
such bond and
security.

SECT. 2. *And be it further enacted,* That it shall be the duty of the justices of the Inferior Courts of each county in this state respectively, or any two or more of them, to take such bond and security, according to the provisions of the foregoing section, conditioned well and truly to perform the duties required of them by law.

Said bond lia-
ble to suit, &c.

SECT. 3. *And be it further enacted,* That the said bonds so taken, as aforesaid, shall be liable to suit and recovery, in the same way, and under the same provisions and restrictions, as are pointed out by law for recovery upon bonds given by Clerks of the Superior and Inferior Courts, for the performance of their duty as clerks.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 95.)

To define the duty of the Justices of the Inferior Courts, in regard to the books of record of their respective counties, and to define the duties of the Clerks of the Superior and Inferior Courts with respect to county funds.

WHEREAS, much injury may be sustained by the citizens of this state, from important matter being recorded on loose paper or books unbound, and subject to come to pieces in a short term of years;

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,* That it shall be the duty of the justices of the Inferior Courts to purchase, or cause to be purchased, out of the county funds, a sufficient number of well bound blank volumes for the clerks of the Superior, Inferior, and Courts of Ordinary of their respective counties; and that it shall be their duty to letter, or cause to be lettered and indexed, said volumes, as they in their judgment may think proper, and have them immediately entered on the minutes of the court.

The justices of the Inferior Courts to purchase well bound blank books for the clerks of the Superior, Inferior and Ordinary Courts, to be lettered, &c.

SECT. 2. *And be it further enacted,* That the justices aforesaid shall, at the expiration of each year, cause said clerks to produce a schedule of the books in their respective offices, and have the same duly recorded.

Said clerks to produce and record an annual schedule of the books in their offices.

SECT. 3. *And it is hereby further enacted,* *That it shall be the duty of clerks of the Superior and Inferior Courts of the several counties in this state, to lay before the Inferior Court of their respective counties, at the first annual session of said courts, a correct statement of the several sums of money received for county rates or taxes, or fines, forfeitures, impositions, license or otherwise, in such method as that the nett proceeds of the whole revenue of such county, and the amount of the several disbursements in discharge of the several demands against such county, may distinctly appear; and if any of the said clerks shall divert, misapply or conceal any of the money belonging to such county, he shall forfeit and pay, to and for the use of such

Duty of the Clerks of the Superior and Inferior Courts with regard to county funds.

Their liabilities for misapplying, &c. such funds.

* See act of 1816, No. 99, authorizing the justices of the Inferior Courts to issue execution against any clerk thereof, and his securities, when such clerk fails to pay over monies in his hands, &c.

(No. 95.) county, double the money he shall be found so to have diverted, misapplied or concealed, to be recovered before any court having jurisdiction of the same; and it shall further be the duty of the said clerks to record such statement of county funds in proper books, to be provided at the expense of such county.

Repealing
clause:

SECT. 4. *And be it further enacted,* That all laws and parts of laws, militating against the foregoing act, are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate

Assented to, 16th December, 1813.

D. B. MITCHELL, GOVERNOR.

(No. 96.)

AN ACT

To amend the fifth section of an act for the appointment of county officers, passed on the sixteenth day of February, 1799.

Preamble.

WHEREAS the said fifth section of the act aforesaid points out the mode of appointing constables for the several counties in this state, and directs the manner of their giving bonds, but points out no mode by which the said bonds may be sued, in case of the neglect of duty in said constables; for remedy whereof,

Constables to
take an oath;

Before whom.

Constables of
Savannah and
Augusta to
give bond and
security in the
sum of \$400.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That all constables hereafter appointed, shall, before they enter upon the duties of their appointments, take the oath prescribed by the said fifth section of the act above recited, before any justice of the Inferior Court, or justice of the peace;* and those constables resident in the cities of Augusta and Savannah, shall give bond, with two or more good and sufficient securities, in the sum of four hundred dollars, to the justices of the Inferior Court of the counties

* See act of 1818, No. 107; the third section of which amends this act with regard to constables' bonds. See title "Elections," act of 1813, No. 198, authorizing constables to open and attend elections in certain cases; also title "Judiciary laws," act of 1811, No. 285, as to other duties, &c.

of Richmond and Chatham, conditioned for the true and faithful discharge of the duties (No. 96.) of their office; and all other constables shall give bond in the sum of two hundred dollars, for the faithful discharge of the duties of their office, payable to the justices of the Inferior Courts of the respective counties; which bond or bonds so given shall be deposited in the clerk's office of the Inferior Courts of the respective counties in this state, and be taken by or before any justice of the peace, and may be sued by order of the Inferior Court, upon the application of any person or persons, who shall make it satisfactorily appear, that they have been injured by the misconduct or neglect of duty in said constable; which suit shall be brought in the Superior Courts, for the use of the person or persons so injured, any law to the contrary notwithstanding.

All others in the sum of \$200.

Suits upon said bonds regulated.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 97.)

To legalize and make valid the acts and proceedings of the Sheriffs, Clerks and other officers belonging to the Middle Judicial Circuit or District of this State.

WHEREAS, it has been represented to this legislature, that some of the officers aforesaid have proceeded upon the duties of their office, without having first taken the oath or oaths required by the act passed on the sixteenth day of February, 1799, entitled An act to compel all officers, civil and military, within this state, to take and subscribe an oath to support the constitution thereof, and the act passed on the 5th day of December, 1799, entitled An act to give further time to the officers of this state to take and subscribe the oath required by the act, entitled An act to compel all officers, civil and military, within this state, to take and subscribe an oath to support the constitution thereof, passed the sixteenth day of February, 1799:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That all acts and proceedings, done and transacted by the sheriffs, clerks, and other officers belonging to*

The acts of the officers of the middle judicial cir-

(No. 97.) the middle judicial circuit or district of this state, so far as regards the said oath, be held, deemed, taken and considered legal and valid to all intents and purposes whatsoever. *whatsoever*

Their future acts legalized so far as respects said oath.

SECT. 2. *And be it further enacted*, That the acts that may hereafter be done by said officers, during their continuance in office, prior to the first of January next, who may not have taken the oath or oaths required by the acts before recited, be, and they shall be held and taken as legal and valid, so far as respects the said oath, any law to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 98.)

AN ACT

To legalize the proceedings of the Superior and Inferior Courts of the respective counties of this State, and to render valid the acts of the public officers of the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the judicial proceedings of the Superior and Inferior Courts of the several counties in this state, as well as the acts of the sheriffs, clerks, and other public officers of the said several courts, shall be, and they are hereby declared to be efficient, legal, valid and binding, notwithstanding any judge of the said Superior Courts, justice or justices of the Inferior Courts, sheriff or sheriffs, clerk or clerks of any of the said several counties, hath or have not taken and subscribed the oath directed to be taken and subscribed in the act, entitled An act to compel all officers, civil and military, within this state, to take and subscribe an oath to support the constitution thereof, passed the 16th day of February, 1799.

The proceedings of the Superior and Inferior Courts of this state, and the acts of the sheriffs, clerks, &c. legalized, notwithstanding the oath prescribed in the act of 1799 has not been taken, &c.

SECT. 2. *And be it further enacted by the authority aforesaid*, That this act shall extend to, and have the effect of legalizing and rendering valid, all past proceedings and

acts of said courts and officers, as well as all other proceedings and acts of said courts and officers, which may take place, and be had, from and after the passing of this act. (No. 98.)

as the past proceedings of said courts and officers.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all officers, civil and military, in this state, shall take an oath to support the constitution of this state, and of the United States, and the form of said oath so to be taken and subscribed, shall be forwarded with the *dedimus* to qualify the said officer, or be taken and subscribed at the time of receiving said commission.

All officers, civil and military, to take an oath to support the constitution of this state.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said act, entitled An act to compel all officers, civil and military, within this state, to take and subscribe an oath to support the constitution thereof, be, and the same is hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 99.)

To compel Clerks of the Inferior Courts in this state to pay over money deposited in their hands.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall and may be lawful for the justices of the Inferior Court, or a majority of them, in each county, respectively, of this state, when any clerk of the Inferior Court may or shall refuse or neglect to pay over any money or monies, belonging to the county funds, deposited or paid to him, for the use of the county for which he is the clerk, to issue an execution against such clerk and his security or securities, directed to the sheriff or officer authorized to execute the same, commanding him to levy the same on the estate, both real and personal, belonging to the said clerk and his security or securities, as the case may be, or so much thereof

The justices of the Inferior Courts authorized to issue execution against any clerk of the Inferior Court, and his securities, who shall refuse to pay over any money belong-

(No. 99.) as will be sufficient to satisfy such execution and cost thereon, and such other proceedings shall be had thereon, as are usual on other executions issued upon judgments.

Repealing
clause.

SECT. 2. *And be it further enacted*, That all laws and parts of laws heretofore passed, militating against this act, be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 100.)

AN ACT

To compel the Clerks of the Superior and Inferior Courts for the county of Glynn, to keep their offices within one mile of Brunswick.

Preamble.

WHEREAS, great inconvenience has, and hereafter might accrue, from the offices being kept several miles from the site of the public buildings :

The clerks of
the Superior
and Inferior
Courts of
Glynn county
required to
keep their of-
fices at or within one mile of Brunswick.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the 1st day of February, 1818, it shall be the duty of the clerks of the Superior and Inferior Courts, in the county of Glynn, to keep their offices, books and papers, that belong to the respective offices in said courts, at or within one mile of Brunswick, in said county.

Penalty for
failing to com-
ply.

SECT. 2. *And be it further enacted*, That the said clerks shall forfeit and pay the sum of thirty dollars, for each and every month they, or either of them, shall fail to comply with the requisitions of this act; to be recovered in the Superior Court in said county, on motion of the attorney or solicitor general, by attachment as for contempt of court,

and to be considered as a part of the county funds ; any law to the contrary notwithstanding. (No. 100.)

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 101.)

To legalize and make valid certain acts of the Sheriff of Jasper county, and his deputies.

WHEREAS, it appears that the bond given by the last sheriff of Jasper county, and the oath administered to him when he was qualified into office, have never been recorded on the minutes of the court, as prescribed by law ; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That all the official acts of the late sheriff, and his deputies, of the county aforesaid, are hereby legalized and made as valid, to all intents and purposes, as if the bond and oath aforesaid had been entered on the minutes of the court, according to law ; and that they now be entered on the minutes of the said court.

The acts of the sheriff and his deputies of Jasper county legalized, although his bond and oath has not been duly recorded.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 102.)

AN ACT*

To amend the third section of an act, entitled An act pointing out the duty of Sheriffs, in selling lands under execution, passed the twenty-second day of December, 1808.

The recited act, so far as it regards Jackson county, repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passing of this act, so much of the above recited act as requires the sheriffs of the different counties to advertise their sales in some public paper, printed in their respective circuits, so far as respects the county of Jackson, be, and the same is hereby repealed.

Sheriffs of Jackson and Clark counties required to advertise their sales in one of the papers of Milledgeville.

SECT. 2. *And be it further enacted,* That the sheriffs of Jackson and Clark counties be, and they are hereby required to advertise their sales in one of the public papers in Milledgeville, any law to the contrary notwithstanding.†

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN; GOVERNOR.

* See act of 1819, No. 109.

† This act amended as to Clark county by act of 1818, No. 106.

AN ACT

(No. 103.)

To allow Clerks to appoint Deputies.

WHEREAS, considerable inconvenience arises to the good citizens of this state, in consequence of the non-appointment of deputies by the clerks of the Superior, Inferior and Corporation Courts, and the Courts of Ordinary of this state; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met; and it is hereby enacted by the authority of the same,* That immediately from and after the passing of this act, the said clerks shall be allowed to appoint a deputy or deputies, in the same manner and under the same rules and regulations as deputies of sheriffs are now by law appointed, who may continue in office during the term of his or their said principal or principals, unless specially removed: *Provided always,* that in case of the death, resignation or disability of the said principal clerk or clerks, the power and authority of the said deputy or deputies shall cease and determine, and that the said several principal clerks shall, in all cases, be responsible for the acts of each and every of their said deputies and agents.

Preamble.

Clerks authorized to appoint deputies.

Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 104.)

AN ACT

To legalize the proceedings of the Superior, Inferior Court or Courts, and Courts of Ordinary, in the county of Columbia, so far as respects the acts of Clerk or Clerks, performed by deputy or deputies, agent or agents, and to make the same valid.

The acts of deputy clerks or agents in the Superior and Inferior Courts, and Court of Ordinary of Columbia county, legalized.

This act extended to past acts performed as aforesaid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the individual proceedings of the Superior, Inferior Courts, and Courts of Ordinary of the county of Columbia, so far as relates to the clerk or clerks of said court or courts, shall be, and they are hereby declared to be efficient, legal, valid and binding, notwithstanding the proceedings and acts of said clerk or clerks were performed by deputy or deputies, agent or agents.

SECT. 2. *And be it further enacted,* That this act shall extend to, and have the effect of legalizing any past proceedings and acts of said clerk or clerks, performed as aforesaid, any law to the contrary notwithstanding.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 105.)

To alter and amend the forty-seventh section of the Judiciary System of this state, and pointing out the manner of filling vacancies in the offices of the Superior and Inferior Courts.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,* That when the sheriff, clerk of the Superior Court, or clerk of the Inferior Court's office in any county, shall be vacated by death, resignation or otherwise, the justices of the Inferior Court, or a majority of them, shall immediately meet at the court-house in the county where such vacancy may happen, and proceed to fill said vacancy by appointing a fit and proper person, who shall give bond and security in the usual amount, and in the usual form, and take the usual oath, and such person shall be liable for the duties of sheriff in the county for which he was appointed; and such person shall continue in office, unless otherwise specially removed, until a successor is elected and qualified.

Vacancies of
sheriffs, &c.
how filled.

SECT. 2. *And be it further enacted,* That in the absence of the sheriff or his deputy, it shall and may be lawful for the judges of the Court of Ordinary, to direct said court to be opened and attended by the coroner or any constable of the county, and they may make a reasonable compensation to the said coroner or constable for his services.

In the absence
of the sheriff
or his deputy,
the Court of
Ordinary may
be opened,
&c. by the co-
roner or any
constable.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 106.)

AN ACT

To amend an act, entitled An act to amend the third section of an act, entitled An act pointing out the duty of Sheriffs in selling lands under execution, passed the 22d December, 1808, which amending act was passed the 19th December, 1817.

Repealing
clause.

The sheriff of
Clark county
authorized to
advertise his
sales in any
public paper
in the western
circuit, or in
Milledgeville.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That so much of the above recited act as compels the sheriff of Clark county to advertise his sales in one of the public papers in Milledgeville, be, and the same is hereby repealed; and that the said sheriff of Clark county is hereby authorized, at his discretion, either to advertise his sales in any public newspaper in the western circuit, or in the town of Milledgeville, any thing in the above recited act to the contrary notwithstanding.*

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 20th November, 1818:

WILLIAM RABUN, GOVERNOR.

(No. 107.)

AN ACT

To extend the powers of Sheriffs and Constables in certain cases.

sheriffs au-
thorized to
serve a bail
or criminal
process in any
county, when
the person
against whom

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for sheriffs, in all cases where a bail or criminal process is placed in their hands, and the person against whom it may be is moving about from one county to another, for the said sheriff, or his deputy, to follow the said person or persons into any county in this state, and serve the said process.*

Power of
constables ex-
tended as to
serving any
bail or crimi-
nal process.

SECT. 2. *And be it further enacted, That it shall be lawful for any constable, and he is hereby required, in all cases where a bail or criminal process is placed in his hands, and the person against whom the same may be is moving about from one district to*

another, to serve the said process in any district within the county in which he may be constable. (No. 107.)

SECT. 3. *And be it further enacted*, That each and every constable shall give bond, with two or more securities, to be judged of by the justices of the peace, in their respective districts, in the sum of five hundred dollars, (unless said district be in a town, and in that case, one thousand dollars,) for the faithful performance of the duties of their office of constable. All laws, or parts thereof, militating against this act, are hereby repealed. Constables required to give bond and security.
Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 108.)

To relieve Criminals and other persons confined in the Jails of this state.

WHEREAS, criminals and other persons confined in the jails of this state, are exposed to unnecessary hardship and sufferance, from the want of medical aid, when sick; from the want of fire in cold weather; and from the want of clothes and blankets, and other comforts necessary to health: for remedy whereof, Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be the duty of the sheriffs of each county, whenever a criminal or criminals, or other person or persons, are confined in the jail of the county of which he is sheriff, to furnish or procure medical aid, whenever the sickness of the person or persons confined in jail require said aid; it shall also be the duty of the sheriff to furnish such person or persons, so confined, with fire, whenever the form of the jail admits of the same, and the coldness of the weather makes fire necessary to comfort and health; it shall also be the duty of the sheriff to furnish such persons so confined, with a sufficient quantity of blankets and clothing for the health and comfort of persons so confined; *Provided*, the person or persons so confined have not the power of procuring blankets and clothing themselves; it shall also be. Sheriffs required to procure medical aid for prisoners in jail.
To furnish them with fire in cold weather, blankets, &c.
Proviso.

(No. 108.) the duty of the sheriff to keep the jail of the county of which he is sheriff, in that state of cleanliness necessary to health : *Provided*, nothing contained in this act shall be considered as arresting, or taking from the corporation of the city of Savannah, the right and control over the jail of the county of Chatham, now exercised by them under a special act of this state.

Liability of sheriff, in case any prisoner should suffer for want of such medical aid, &c.

SECT. 2. *Be it further enacted*, That if any sheriff should, by his negligence, permit any criminal or criminals, or other person or persons, confined in the jail of the county of which he is sheriff, to suffer in health for want of such medical aid, fire, blankets, clothes, and cleanliness, as above pointed out, he shall be subject to indictment for such neglect, and upon conviction, shall be fined by the court in a sum not more than five hundred dollars, which fine shall be paid to the clerk of the Inferior Court of the county, and made part of the county funds.

Jailors' fees increased 50 per cent.

SECT. 3.* *And be it further enacted*, That the jailors of the several counties of this state, shall be allowed to charge the sum of fifty per cent. on all charges heretofore allowed by law.

Expenses incurred by virtue of this act, how defrayed.

SECT. 4. *And be it further enacted*, That whenever the sheriff of any county shall have incurred any expense in the performance of his duty, as above prescribed, he shall lay before the Inferior Court of the county of which he is sheriff an account of the same, who shall pay the same out of any funds belonging to said county, in preference of all other claims upon said fund whatsoever.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

* See title, "*Fees, &c.*" act of 1819, No. 250, by which jailors' fees are settled at 25 per cent. on those established previous to the 1st of December, 1818.

AN ACT

(No. 109.)

To amend an act, entitled An act to amend the third section of an act, entitled An act pointing out the duty of Sheriffs in selling lands under execution, passed the 22d December, 1808.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, so much of the above recited act as requires the sheriff of the county of Jackson to advertise his sales in one of the public papers in Milledgeville, be, and the same is hereby repealed. Repealing section.

SECT. 2. *And be it further enacted,* That the sheriff of the county of Jackson be, and he is hereby required, to advertise his sales in any public paper printed within the western circuit, or in one of the public papers printed in Milledgeville, any law to the contrary notwithstanding. The sheriff of Jackson county authorized to advertise his sales in any public paper in the western circuit, or in Milledgeville.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

(No. 110.)

AN ACT

To repeal an act, entitled An act to compel the Clerks to keep their offices at the Court-house of their respective counties, or within one mile thereof, passed the 7th day of December, 1807, so far as respects the county of Montgomery.

Repealing
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the before recited act, so far as respects the county of Montgomery, be, and the same is hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

CONFISCATION.

AN ACT

1811.

(No. 111.)

To amend an act, entitled An act to establish a fund for the redemption of the public debt of this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That it shall not be lawful for the commissioners, or any one or more of them, to make sale of any confiscated or reverted property, until they shall have reported the same to the legislature of this state, and their decision or further direction be had thereon.

Sales of confiscated property regulated.

SECT. 2. *And be it further enacted,* That the said commissioners of confiscated and reverted property, shall, in all cases where property may come to their knowledge, make report of the same to the next succeeding legislature, after having given notice in one of the public gazettes of the cities of Augusta and Savannah, with a full description of such property so to be by them reported, at least three months previous to the meeting of the same.

Duty of the commissioners of confiscated and reverted property.

SECT. 3. *And be it further enacted,* That on the amount of all sales hereafter made by the said commissioners, they shall be entitled to and receive their two and a half per cent., payable in such certificates as shall be receivable in payment for the same; and that all informers shall also receive their per centum in the same.

Their compensation.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 112.)

AN ACT

To take off the act of Confiscation and Banishment the name of John M^cCormick, his heirs and devisees, and assigns.

The recited
act, so far as
it regards
John M^cCormick, repeal-
ed.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the act, entitled An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes, passed the fourth day of May, one thousand seven hundred and eighty-two, so far as the same relates to John M^cCormick, be, and the same is hereby repealed: Provided, that nothing in this act shall be so construed as to affect any property, the title to which has been derived from this state, or which has been sold according to the above recited act.*

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

COSTS.

AN ACT

1816.

(No. 113.)

To provide for the payment of costs in certain cases therein mentioned.*

WHEREAS, it frequently happens in this state, that persons prosecuted for offences not capital, after their arrest, so dispose of their estates as to involve the county where such offences are committed in the cost accruing on such prosecution; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That where any person or persons shall be prosecuted for any criminal offence, whether capital or otherwise, whether grand or petit larceny, whether as accessory before or after the fact, or any misdemeanor whatever, that it shall be the duty of the officer issuing a warrant to arrest him, her, or them, to direct the arresting officer in writing, under his hand and seal, to make diligent search for all and singular the estate, both real and personal, of such person or persons so arrested, or so much thereof as will be, in his opinion, sufficient for the payment of all legal costs and expenses that may be incurred in such prosecution; a true schedule of which property so found and secured, the said arresting officer shall render to the court to which he returns the warrant, so by him executed, unless the party arrested give good security to pay the costs which may accrue on the prosecution.

When any person shall be prosecuted for a criminal offence, the officer issuing the warrant to arrest, shall direct the arresting officer to search for and secure a sufficient portion of such person's property to satisfy all costs, &c. of prosecution, unless the party give security for the payment thereof.

* See title, "Judiciary laws," act of 1812, No. 288, making attornies liable for costs in certain cases; also act of 1819, No. 294, authorizing justices of the peace to require any person residing out of the county, who may apply for a civil process, to deposit the cost, or give security for the same.

(No. 113.) **SECT. 2.** *And be it further enacted by the authority aforesaid,* That in the event of the said person or persons charged as aforesaid, being found guilty of the offence or offences wherewith he, she, or they were charged, that then, and in that case, all the property found as aforesaid, together with all and singular the estate or estates, both real and personal, which he, she, or they possessed, of his, her or their own proper right, at the time of his, her or their arrest, shall, and the same is hereby declared to be subject and bound to the payment of the costs and charges alluded to in the foregoing section; any law, usage, or custom, to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

CONSTITUTION, AMENDMENTS OF THE.

1811
AND
1812.

(No. 114.)

AN ACT*

To amend the fourth and fifth sections of the third article of the Constitution of this state.

WHEREAS, the fourth and fifth sections of the third article of the constitution of Preamble.
this state, are in the words following, viz : Fourth section: "The justices of the Inferior Courts, shall be appointed by the General Assembly, and be commissioned by the Governor; and shall hold their commissions during good behaviour, or as long as they respectively reside in the county, for which they shall be appointed, unless removed by sentence on impeachment, or by the Governor on the address of two-thirds of each branch of the General Assembly; they may be compensated for their services in such manner as the legislature may by law direct."

Fifth Section. "The justices of the peace shall be nominated by the Inferior Courts of the several counties, and commissioned by the Governor, and there shall be two justices of the peace in each captain's district, either or both of whom shall have power to try all cases of a civil nature within their district, where the debt, or liquidated demand, does not exceed thirty dollars, in such manner as the legislature may by law direct; they shall hold their appointments during good behaviour, or until they shall be removed by conviction, or indictment in the Superior Court, for mal-practice in office, or for

* The amendment contained in this act, having been duly made, became a part of the constitution; but, it being afterwards found to be inconvenient in its operation, another amendment was adopted in lieu thereof; for which, see act of 1818 and 1819, No. 117.

(No. 114.) any felonious or infamous crime, or by the Governor on the address of two-thirds of each branch of the legislature."

And whereas, the term of good behaviour has a tendency to destroy that sense of responsibility, which should ever be kept alive in a free country, and felt by every individual in whose hands the duties of office are reposed ;

This act to become a part of the constitution.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted,* That as soon as this act shall have passed, agreeably to the requisitions of the constitution, that then the sections above recited shall be repealed, and the following adopted in lieu thereof :

Justices of the Inferior Courts, when and how elected and commissioned.

How removed.

May be compensated for their services. Five for each county. Vacancies, how filled.

SECT. 2. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Courts shall be elected on the third Tuesday in October, eighteen hundred and thirteen, and on the third Tuesday in October in every fourth year thereafter, by the electors entitled to vote for members of the General Assembly, which election shall be held and conducted in the same manner as pointed out by law for the elections of clerks and sheriffs ; and the persons so elected shall be commissioned by the Governor, and continue in office for the term of four years, unless removed by impeachment for mal-practice in office, or by the Governor, on the address of two-thirds of both branches of the General Assembly ; they may be compensated for their services in such manner as the legislature may by law direct ; and there shall be five justices for each county, who shall hold their offices until their successors are elected and qualified ; and when any vacancy shall happen by death, resignation, or otherwise, of any justice of the Inferior Court, it shall be the duty of two or more justices of the Inferior Court, or justices of the peace, to give at least twenty days notice by advertisement, at three of the most public places in the county, previous to the election, to fill such vacancy ; which election shall be held in the same manner as is by this section before expressed :

Two justices of the peace in each captain's district. Their jurisdiction.

When and how elected.

SECT. 3. *And be it further enacted by the authority aforesaid,* That there shall be two justices of the peace in each captain's district, in the several counties of this state, either or both of whom shall have power to try all cases of a civil nature within their district, where the debt or liquidated demand does not exceed thirty dollars, in such manner as the legislature may by law direct ; they shall be elected on the first Saturday in January, eighteen hundred and thirteen, and on the first Saturday in January in every fourth year thereafter, by the citizens of the district to which they respectively belong, entitled to vote for members of the General Assembly ; which election shall be super-

intended by three freeholders of the district, whose duty it shall be to take the following oath, to be administered by the captain, or commanding officer of said district, to wit: "I, A. B. do solemnly swear, that I will, to the best of my abilities, superintend the election of justices of the peace for this district, so help me God;" and they shall transmit a return of said election, within twenty days, to his excellency the Governor, who is hereby authorized to commission the persons so elected accordingly; and they shall hold their appointments during the term of four years, and until their successors are elected and qualified, unless they shall be removed by conviction on indictment in the Superior Court, for mal-practice in office, or for any felonious or infamous crime, or by the Governor on the address of two-thirds of each branch of the legislature. And when any vacancy shall happen by death, resignation, or otherwise, of any justice of the peace, between the time of such election and the expiration of the time for which such justice or justices were elected, it shall be the duty of two of the justices of the peace, in any of the adjoining districts where such vacancy or vacancies may happen, to advertise in three of the most public places in the district, where such vacancy or vacancies may happen, the time of holding an election for the purpose of filling such vacancy or vacancies, and give at least fifteen days notice of the time and place where such election shall be held, which shall be in the district where such vacancy or vacancies shall have happened; and it shall be the duty of the said justices to superintend such election, and certify the same, under their hands, to his excellency the Governor, who shall, within ten days after receiving the same, commission the person having the highest number of votes, provided the same is not contested.

Return of the election.

Continuance in office.

How removed.

Vacancies, how filled.

ROBERT IVERSON,
Speaker of the House of Representatives.
MATTHEW TALBOT,
President of the Senate. } 1811.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.
WILLIAM RABUN,
President of the Senate. } 1812.

Passed in 1811 and 1812, and became a part of the constitution.

(No. 115.)

AN ACT*

To alter and amend the fourth section of the second article of the Constitution.

Preamble.

WHEREAS, the fourth section of the second article of the constitution is in the following words: "In case of the death, or resignation or disability of the Governor, the president of the senate shall exercise the executive powers of government until such disability be removed, or until the the meeting of the next General Assembly."

And whereas, the said section requires amendment:

The recited
section
amended.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That so soon as this act shall have passed agreeably to the requisitions of the constitution, the above section shall be amended to read as follows:

Provision in
case of vacan-
cy in the ex-
ecutive office.

In case of the death, resignation or disability of the Governor, the president of the senate, or the last acting president of the senate, shall exercise the executive powers of the government until such disability be removed, in the election and qualification of a Governor by the General Assembly: And in case of the death, resignation or disability of the president of the senate, or of the last acting president of the senate, the speaker of the house of representatives, or the acting speaker of the house of representatives, shall exercise the executive powers of the government, until such disability be removed, in the election and qualification of a Governor by the General Assembly.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.
MATTHEW TALBOT,
President of the Senate. } 1817.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.
MATTHEW TALBOT,
President of the Senate. } 1818.

Assented to, 15th December, 1818.

WILLIAM RABUN, GOVERNOR.

Passed in 1817 and 1818, and became a part of the constitution.

* This act, having been passed in the manner prescribed by the constitution, now forms a part thereof.

AN ACT*

(No. 116.)

To alter and amend the first section of the third article of the Constitution.

WHEREAS, the first section of the third article of the constitution is in the following Preamble.
words: "The judicial powers of this state shall be vested in a Superior, Inferior and Justices' Courts, and in such other courts as the legislature shall from time to time ordain and establish. The judges of the Superior Courts shall be elected for the term of three years, removable by the Governor on the address of two-thirds of both branches of the General Assembly for that purpose, or by impeachment and conviction thereon. The Superior Courts shall have exclusive and final jurisdiction in all criminal cases, (except as relates to people of colour, and fines for neglect of duty, and for contempt of court, for violations against road laws, and for obstructing water courses, which shall be vested in such judicature or tribunal as shall be, or may have been pointed out by law,) which shall be tried in the county where the crime was committed; and in all cases respecting titles to land, which shall be tried in the county where the land lies; and also concurrent jurisdiction in all other civil cases; and shall have power to correct errors in inferior judicatories by writ of certiorari, as well as errors in the Superior Courts, and order new trials on proper and legal grounds: *Provided*, that such new trials shall be determined, and such errors corrected, in the Superior Courts of the county in which such action originated; and the said court shall have appellate jurisdiction in such other cases as are, or may be pointed out by law, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials or correction of errors, shall enter their opinion on the minutes of the court. The inferior courts shall also have concurrent jurisdiction in all civil cases, (except in cases respecting the titles to lands;) which shall be tried in the county where the defendant resides, and in cases of joint obligors or joint promissors, residing in different counties, the same may be brought in either county, and a copy of the petition and process served on the party residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature have or may direct. The Superior and Inferior Courts shall sit in each county twice in every year, at such stated times as have or may be appointed by the legislature."

* The amendments contained in this act now form a part of the constitution.

(No. 116.) And whereas said section requires amendment :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the judicial powers of this state shall be vested in a Superior, Inferior, and Justices' Courts, and such other courts as the legislature shall from time to time ordain and establish.

Judicial powers. The judges of the Superior Courts shall be elected for the term of three years, and shall continue in office until their successors shall be elected and qualified ; removable by the Governor, on the address of two-thirds of both branches of the General Assembly for that purpose, or by impeachment and conviction thereon. The Superior Courts shall have exclusive and final jurisdiction in all criminal cases, (except as relates to people of colour, and fines for neglect of duty, and for contempt of court, for violations against road laws, and for obstructing water courses, which shall be vested in such judicature or tribunal as shall be or may have been pointed out by law ; and except in all other minor offences, committed by free white persons, and which do not subject the offender or offenders to loss of life, limb or member, or to confinement in the penitentiary ; in all such cases corporation courts, such as now exist, or may hereafter be constituted, in any incorporated city, being a sea-port town and port of entry, may be vested with jurisdiction, under such rules and regulations as the legislature may hereafter by law direct ;) which shall be tried in the county where the crime was committed ; and in all cases respecting titles to lands, which shall be tried in the county where the land lies ; and also concurrent jurisdiction in all other civil cases ; and shall have power to correct errors in inferior judicatories by writ of certiorari, as well as errors in the Superior Courts, and order new trials on proper and legal grounds : *Provided*, that such new trials shall be determined, and such errors corrected, in the Superior Court of the county in which such action originated ; and the said court shall have appellate jurisdiction in such other cases as are or may be pointed out by law, which shall in no case tend to move the cause from the county in which the action originated ; and the judges thereof, in all cases of application for new trials or correction of errors, shall enter their opinion on the minutes of the court. The Inferior Courts shall also have concurrent jurisdiction in all civil cases, (except in cases respecting the titles to lands,) which shall be tried in the county where the defendant resides ; and in case of joint obligors and joint promissors, residing in different counties, the same may be brought in either county, and a copy of the petition and process served on the party residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature have or may direct. The Superior and Inferior Courts shall sit in each county twice in every year, at such stated times as have or may be appointed by the legislature.

Judges of the Superior Courts, their continuance in office. How removed. Jurisdiction of the Superior Courts. Exceptions.

May correct errors and order new trials. Proviso.

Appellate jurisdiction.

Jurisdiction of the Inferior Courts.

Joint obligors living in different counties, how sued.

The Superior and Inferior Courts to sit in each county biennially.

SECT. 2. *And be it further enacted,* That so soon as this act shall have undergone the requisitions required by the constitution, it shall become a part of the constitution of this state. (No. 116.)

This act to become a part of the constitution.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.
MATTHEW TALBOT,
President of the Senate. } 1817.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.
MATTHEW TALBOT,
President of the Senate. } 1818.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

Passed, 1817 and 1818, and became a part of the constitution.

AN ACT*

(No. 117.)

To alter and amend the second and third sections of an act passed in 1811 and 1812, entitled An act to amend the fourth and fifth sections of the third article of the Constitution of this State, which said second and third sections are adopted in lieu of the said fourth and fifth sections of the third article of the Constitution.

WHEREAS, the said second and third sections as aforesaid are in the following Preamble. words, to wit: "Sec. 2. That the justices of the Inferior Courts shall be elected on the third Tuesday in October, eighteen hundred and thirteen, and on the third Tuesday in October in every fourth year thereafter, by the electors entitled to vote for members of the General Assembly, which election shall be held and conducted in the same manner as pointed out by law for the elections of clerks and sheriffs; and the person so elected shall be commissioned by the Governor, and continue in office for the term of four years, unless removed by impeachment for mal-practice in office, or by the Governor on the address of two-thirds of both branches of the General Assembly; they

* The amendment contained in this act now forms a part of the constitution; the act having been passed in the manner prescribed by the constitution.

(No. 117.) may be compensated for their services in such manner as the legislature may by law direct; and there shall be five justices for each county, who shall hold their offices until their successors are elected and qualified; and when any vacancy shall happen by death, resignation or otherwise, of any justice of the Inferior Court, it shall be the duty of two or more of the justices of the Inferior Court, or justices of the peace, to give at least twenty days notice by advertisement, at three of the most public places in the county, previous to the election to fill such vacancy, which election shall be held in the same manner as is by this section before expressed.

“Sec. 3. That there shall be two justices of the peace in each captain's district, in the several counties of this state, either or both of whom shall have power to try all cases of a civil nature, within their district, where the debt or liquidated demand does not exceed thirty dollars, in such manner as the legislature may by law direct. They shall be elected on the first Saturday in January, eighteen hundred and thirteen, and on the first Saturday in January in every fourth year thereafter, by the citizens of the district to which they respectively belong, entitled to vote for members of the General Assembly; which election shall be superintended by three freeholders of the district, whose duty it shall be to take the following oath, to be administered by the captain or commanding officer of said district, to wit: ‘I, A. B. do solemnly swear, that I will to the best of my abilities superintend the election for justices of the peace for this district; so help me God;’ and they shall transmit a return of said election, within twenty days, to his excellency the Governor, who is hereby authorized to commission the persons so elected accordingly; and they shall hold their appointments during the term of four years, and until their successors are elected and qualified; unless they shall be removed, by conviction on indictment in the Superior Court, for mal-practice in office, or for any felonious or infamous crime, or by the Governor on the address of two-thirds of each branch of the legislature; and when any vacancy shall happen by death, resignation or otherwise, of any of the justices of the peace, between the time of such election and the expiration of the time for which such justice or justices were elected, it shall be the duty of two of the justices of the peace in any of the adjoining districts, where such vacancy or vacancies may happen, to advertise in three of the most public places in the district where such vacancy or vacancies may happen, the time of holding an election for the purpose of filling such vacancy or vacancies, and give at least fifteen days notice of the time and place where such election shall be held, which shall be in the district where such vacancy or vacancies shall have happened; and it shall be the duty of said justices to superintend such election, and certify the same under their hands to his excellency the Governor, who shall, within ten days after receiving the same, commission the person having the highest number of votes: *Provided*, the same is not contested.”

And whereas it has been found, from experience, that the said two before recited (No. 117.) sections have not those beneficial effects which it was designed they should produce :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That as soon as this act shall have passed agreeably to the requisitions of the constitution, that then the sections above recited shall be repealed, and the following adopted in lieu thereof.

Repealing
clause.

SECT. 2. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court shall be elected by the persons entitled to vote for members of the legislature, in such manner as the legislature may by law direct.

Elections for
justices of the
Inferior
Courts.

SECT. 3. *And be it further enacted,* That the justices of the peace throughout this state shall be elected by the persons residing in their respective districts, entitled to vote for members of the General Assembly, under such rules and regulations as the legislature may by law direct.*

For justices of
the peace.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate,

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

- Passed in 1818 and 1819, and became a part of the constitution.

* See title "*Judiciary laws*," act of 1819, No. 297, to carry into effect the constitution as herein amended.

***COUNTIES, COURT-HOUSES, AND JAILS.**

1811.

(No. 118.)

AN ACT†

To make permanent the site of the Public Buildings in the county of Telfair.

Site of the
public build-
ings in Telfair
county.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, the public buildings of Telfair county shall be erected on part of lot No. 79, purchased from Jesse Wiggins, junior, in the eighth district, formerly Wilkinson county, on the Ocmulgee river, by the commissioners appointed to fix on said site, in conformity with an act passed at the session of the legislature, the eighth day of December, one thousand eight hundred and ten.

Lots may be
sold.

SECT. 2. *And be it further enacted,* That the commissioners be, and are hereby authorized, to lay off and make sale of such lots as may be necessary to defray the expense of the public buildings of said county.

Justices of the
Inferior Court
shall let out
the building of
the court-
house and jail
to the lowest
bidder, &c.

SECT. 3. *And be it further enacted,* That the justices of the Inferior Court, or a majority of them, be, and they are hereby authorized and required, to let the building of the court-house and jail for said county to the lowest bidder; first giving at least thirty days notice of the time of letting the said buildings, in some one or more of the public gazettes in this state, and at three or more of the most public places within the county, and to take bond and sufficient security for the completion of the same.

Courts and
elections, &c.
where to be
held in the
interim.

SECT. 4. *And be it further enacted by the authority aforesaid,* That until the public buildings of said county are in such a state of completion as to admit of holding courts

* For those acts which authorize the levying of extra taxes, for the purpose of building court-houses and jails, and for other county purposes, see title "Taxes extra."

† See act of 1812, No. 132, by which this is repealed.

thereat, the courts, elections, and all other county business, shall be held at the house of (No. 118.) Jesse Wiggins, or such other place as a majority of the said justices may think most convenient; provided, the same shall be on the aforesaid lot seventy-nine.

SECT. 5. *And be it further enacted,* That all laws heretofore passed, militating against this act, be, and the same are hereby repealed. Repealing clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 119.)

*To lay out a new County out of the Counties of Oglethorpe, Clark, Jackson, Franklin, and Elbert.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,* That a new county shall be laid off out of part of the counties of Oglethorpe, Clark, Jackson, Franklin and Elbert; that is to say, beginning on the south fork of Broad river at the mouth of Brushy creek, thence along the dividing ridge between the said Brushy creek and Beaverdam creek to the Clark county line, thence a direct line to where the Jackson county line crosses Little Sandy creek, thence a direct line to the first fork of Big Sandy creek, above Espy's mill, thence up the eastern fork of the same to Knight's old store, (including the same,) thence to the head of Black's creek, in such manner as to leave all the waters of Big Sandy creek in Jackson county; from thence down Black's creek to Strickland's saw-mill, thence a direct line to where the Franklin county line crosses Hudson's fork of Broad river, thence down the meanders of the same to the confluence thereof with the north fork of Broad river, thence down the meanders of the said north fork of Broad river to the confluence of the same with the south fork of the said Broad

A new county to be laid off, out of a part of Oglethorpe, Clark, Jackson, Franklin and Elbert.

Lines thereof defined.

* See act of 1811, No. 126, supplementary to this: also act of 1813, No. 137, adding a part of Clark to Madison county: also act of 1819, No. 169, adding a part of Elbert and Franklin counties thereto.

(No. 119.) river, thence up the meanders of the same to the beginning; and all that part of the counties of Oglethorpe, Clark, Jackson, Franklin and Elbert, comprehended within the lines aforesaid, shall form a new county, known by the name of Madison; and that the justices of the Inferior Court hereafter appointed for said county, or a majority of them, shall be vested with full power and authority to fix on the site* for the public buildings for said county, which shall be as near the centre of said county as convenience will admit of; at which place the courts and elections shall be held, as soon as suitable buildings are erected thereat; and said commissioners,† or a majority of them, are authorized and empowered to contract with fit and proper persons for the purpose of building a court-house and jail in said county, which, after at least thirty days notice, shall be let to the lowest bidder: *Provided*, That until the court-house shall be erected, the elections and courts of said county shall be held at the house of Henry Strickland.

Said county to be called Madison.

Inferior Court hereafter to be appointed, shall fix on the site of the public buildings.

The building of the court-house and jail to be let to the lowest bidder. Proviso.

Surveyor of Jackson county required to run the lines aforesaid.

SECT. 2. *And be it further enacted*; That the surveyor of Jackson county be, and he is hereby authorized and required, to run and plainly mark the several artificial lines herein before designated, which shall be paid for by the county of Madison.

Militia officers and justices of the peace comprehended in said new county to retain their commissions.

SECT. 3. *And be it further enacted*, That all militia officers and justices of the peace, which are comprehended within the county of Madison, shall hold their respective commissions in like manner as if they had been commissioned for said county.

Madison county added to the western circuit. Times of holding courts therein.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the county of Madison shall be added to and become a part of the western circuit of this state, and the Superior Court in said county shall be held on the first Monday in April and October, and the Inferior Court of said county shall be held on the first Monday in February and August.

Justices of the Inferior Court to purchase a tract of land whereon to fix the public buildings; said land to be laid off into lots and sold.

SECT. 5. *And be it further enacted*, That the justices of the Inferior Court of the county of Madison, or a majority of them, shall be, and they are hereby authorized and required, to purchase a tract of land, not less than fifty acres, on which to fix the site of the public buildings, and lay off the same in lots, and sell and dispose of the same at public auction, to the highest bidder, on a reasonable credit, and the proceeds of said sale, after paying the first cost of said land, shall be appropriated to the payment of the public buildings and other county purposes.

County officers, when and where to be elected.

SECT. 6. *And be it further enacted*, That there shall be an election held at the house of H. Strickland on the first Monday of January next, for the purpose of electing a clerk

* See act of 1812, No. 129, making Danielsville said site.

† See act of 1813, No. 142, authorizing said commissioners to complete certain contracts, and constituting the Inferior Court commissioners of the court-house and jail.

of the Superior and Inferior Courts for said county, a sheriff, coroner, county surveyor, (No. 119.) collector and receiver of tax returns.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the county of Madison shall be added to, and become a part of the first brigade of the fourth division of militia of the state of Georgia.

Said county added to the 1st brigade of the 4th division of the militia, &c.

SECT. 8. *And be it further enacted,* That the justices of the Inferior Court for said county shall convene at H. Strickland's as aforesaid, as soon as possible, and from the best information which they may be able to procure, select grand and petit jurors, and proceed to drawing said juries for the ensuing courts in the manner pointed out by the law regulating the selecting and drawing grand and petit juries in this state.

Justices of the Inferior Court shall select grand and petit jurors.

SECT. 9. *And be it further enacted,* That the suits now pending in any of the counties from which the county of Madison has been taken off, shall not be transferred to said new county, (except on actions for real estate,) but remain and be finally tried in the respective counties in which they may be now pending.

Suits already commenced, regulated.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 5th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 120.)

AN ACT

To amend the several acts appointing commissioners to fix on the site for the public buildings in the county of Wayne, and to regulate the Grand and Petit Jury list.*

Courts, elections, &c. in the county of Wayne, where they shall be held.*

Proviso.

When the court-house shall be covered and weather-boarded, courts, &c. shall be held therein.

Duty of the Inferior Court, concerning the jury list and jury-box.

Repealing clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the Superior and Inferior Courts, Courts of Ordinary, elections, &c. shall be holden by order of the said Inferior Courts, or any three of them, at any convenient place within three miles of the court-house, or at William Clements, the place at which the said courts, elections, &c. are now held : Provided, the said Clements shall keep and maintain good order during the sitting of any of the said courts, elections, &c. until the said court-house shall be so far completed as to receive the said courts, elections, &c.*

SECT. 2. *And be it further enacted, That so soon as the said court-house shall be covered and weather-boarded, the commissioners shall give the justices of the Inferior Courts for said county proper notice; and the said justices shall, immediately on the reception of such notice, give at least ten days public notice in the county; after the expiration of which notice, all courts and elections, and all other county business, shall be held and transacted at the court-house aforesaid.*

SECT. 3. *And be it further enacted, That when the justices of the Inferior Court for the county of Wayne shall regulate the list of grand and petit jurors agreeable to law, they shall place the list of jurors in the proper department, and lock the jury-box, and deliver the key to the sheriff.*

SECT. 4. *And be it further enacted, That all laws or parts of laws, militating against this act, be, and the same are hereby repealed.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1812, No. 131, establishing the dividing line between Camden and Wayne counties, and adding a part of Camden to Wayne.

AN ACT

(No. 121.)

To add a part of Washington and Montgomery counties to Laurens county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That all that part of the counties of Washington and Montgomery, included in a line beginning on the Oconee river, opposite the Laurens county line, where it intersects the banks of said river, and thence a direct line to the mouth of Forts creek; thence up the meanders of the same to the limestone rocks; thence a direct line to Wood's bridge, on the Big Ohoopie; thence down said Ohoopie to Pugh's trail at the Mount Pleasant ford; thence in a direct line to the head of Mercer's creek; thence down said creek to the Oconee river; and the same shall constitute a part of Laurens county.*

A part of Washington and Montgomery counties added to Laurens.

SECT. 2. *And be it further enacted by the authority aforesaid, That David Blackshear, Paul Grimbél, and William Neil, be, and they are hereby appointed commissioners to superintend the running and marking the said line; and the surveyor of Washington county is hereby authorized and required to run, and cause the said line to be distinctly marked, under the direction of the aforementioned commissioners, or a majority of them.*

Commissioners appointed to superintend the running of the line. Surveyor of Washington county required to run the same.

SECT. 3. *And be it further enacted by the authority aforesaid, That all the expenses incurred by, and in consequence of running and marking the said line, shall be defrayed by the county of Laurens: Provided, the said expenses shall not exceed the sum of twenty dollars.*

Expenses shall be defrayed by Laurens county. Proviso.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 122.)

AN ACT*

*To make permanent the site of the Public Buildings in the town of Dublin,
county of Laurens.*

Site of the
public build-
ings in Lau-
rens county
pointed out.

Proviso.

Commission-
ers of the pub-
lic buildings
appointed;

Who may lay
out and sell
lots, &c.

Repealing
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the public buildings of the said county of Laurens shall be erected on lot number two hundred and thirty-two, in the first district of Wilkinson county at the time of surveying, now Laurens county in conformity with an act passed on the 13th day of December, eighteen hundred and ten: Provided, that it is on the same spot as the commissioners heretofore selected for the court-house lot.*

SECT. 2. *And be it further enacted by the authority aforesaid, That Jonathan Sawyer, Jethro B. Spivey, John G. Underwood, Benjamin Adams, and Henry Shepherd, Esquires, be, and they are hereby appointed commissioners of the court-house and other public buildings of said county of Laurens, and they, or a majority of them, are hereby authorized and empowered to lay out and sell such a number of lots as may be sufficient to defray the expenses of such public buildings as they may think necessary.*

SECT. 3. *And be it further enacted, That all laws, or parts of laws, militating against this law, are hereby repealed.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1819, No. 164, amendatory of all previous acts on the subject.

AN ACT

(No. 123.)

*To add a part of the county of Liberty to that of Tatnall.**

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the road leading from Wells' ferry, on the Canoochee river, to Lane's ford, on Beard's creek, shall be held and deemed as the dividing line between the counties of Liberty and Tatnall, and all that part of the district above said line, that was formerly in Liberty county, is now declared to be part of the county of Tatnall: Provided nevertheless, that nothing herein contained shall be so construed as to prevent the tax collector of Liberty county from collecting any taxes which may be due from any person removed from Liberty county to Tatnall by this act, any law to the contrary notwithstanding.

Dividing line
between the
counties of
Liberty and
Tatnall de-
fined.

A part of the
former added
to the latter.
Proviso.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1811, No. 125, establishing the dividing line between Montgomery and Tatnall.

(No. 124.)

AN ACT*

To amend an act, entitled An act to make permanent the site of the Public Buildings in the town of Hartford, in the county of Pulaski.

Justices of the
Inferior Court
of Pulaski
county ap-
pointed com-
missioners of
the court-
house and jail.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted,* That the justices of the Inferior Court be, and they are hereby appointed commissioners of the court-house and jail, for the county of Pulaski, in the room of the former commissioners, who refuse to comply with the requisites of the former act before recited.

Said commis-
sioners may
appoint a
clerk.

His oath.

He shall give
bond and se-
curity.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the said commissioners shall have power to appoint some fit and proper person for their clerk, to take charge of all monies that have been collected and have not yet been appropriated to county uses, together with all notes, bonds and other securities belonging to said county funds, and that the said person so nominated, before he enters on the duties of his office, shall take the following oath, to wit: I, A. B. do solemnly swear, that I will faithfully discharge the duties confided to, and the trust reposed in me by the commissioners, to the best of my skill and ability; so help me God: and give bond, with two or more good and sufficient securities, to the amount of twenty thousand dollars, made payable to the Inferior Court of said county, and their successors in office.

Commission-
ers may lay
out and sell
lots to defray
the expenses
of the public
buildings.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, are hereby authorized to lay out, and after giving thirty days notice in one of the public gazettes of this state, and advertise the same at two or more public places in said county, then shall proceed to sell a sufficient number of lots in said town of Hartford to defray the expense of building a court-house and jail in said town of Hartford.

Shall cause
their clerk to
lay a state-
ment of all ex-
penditures,

SECT. 4. *And be it further enacted,* That it shall be the duty of said commissioners to cause their clerk to lay a full statement of all expenditures, monies, bonds and other

* See act of 1813, No. 138, amending this act.

securities, arising from the amount of sales of said lots, or otherwise belonging to said county funds, before the grand jury at their first meeting annually; and also it shall be the duty of the said grand jury, on their presentments, to report agreeable to the statement made by said clerk. (No. 124.)
 &c. before the grand jury annually.
 Who shall report thereon.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said commissioners shall have power to compensate their said clerk for his services out of said county funds; and also the said commissioners, or their successors in office, who are hereby made a body corporate, shall have full power and authority to sue and be sued, to plead and be impleaded in any court of law or equity in this state, having cognizance thereof, any law or usage to the contrary notwithstanding. May compensate their clerk out of the county funds.
 Made a body corporate.

SECT. 6. *And be it further enacted,* That all laws heretofore passed, militating against this act, be, and the same are hereby repealed. Repealing clause.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 125.)

*To establish the line between the counties of Tatnall and Montgomery.**

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Assembly met,* That from and after the passing of this act the line marked by Arthur Lot and Joseph Collins, agreeable to a resolution passed the fourteenth day of November, 1809, be, and is hereby established and known as the dividing line between the counties of Tatnall and Montgomery. The dividing line between the counties of Tatnall and Montgomery established.

* See act of 1812, No. 135, adding a part of Telfair and Tatnall to Montgomery; also act of 1814, No. 145, adding a part of Tatnall to the same.

(No. 125.) SECT. 2. *And be it further enacted,* That all laws heretofore passed concerning the
 Repealing same are hereby repealed.
 clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 126.)

AN ACT

Supplementary to an act, entitled An act to lay out a new county out of the counties of Elbert, Franklin, Jackson, Oglethorpe and Clark.

Preamble.

WHEREAS, in laying out the above recited new county, it appears that the sheriff who has been elected and commissioned for the county of Elbert, now resides within the limits of the aforesaid new county; and whereas, doubts may arise as to his holding his office as sheriff of the aforesaid county of Elbert:

The person
 elected as she-
 riff of Elbert
 county shall
 act as such in
 said county,
 although he is
 included in
 the newly
 formed county
 of Madison.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,
 That the above recited act shall not be so construed as to deprive the sheriff who has been elected already for the county of Elbert, from holding his office as sheriff of the aforesaid county of Elbert, and he shall not be considered as the sheriff of the aforesaid new county during the term for which he has been elected sheriff of the aforesaid county of Elbert, unless he should resign his commission as sheriff of the county of Elbert, and be re-elected for the aforesaid new county.

ROBERT IVERSON,

Speaker of the House of Representatives

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 127.)

To make permanent the site of the Public Buildings for the county of Wilkinson.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the seat of the public buildings for the county of Wilkinson be, and the same is hereby declared to be permanently fixed upon tract, or lot of land, number eighty-three, in the fourth district of Wilkinson county: *Provided,* good and sufficient titles can be procured for the same within the term of six months from the passing of this act; the titles to be made and executed to the Inferior Court of said county, and their successors in office, to and for the use of the county aforesaid; which said public site shall be called and known by the name of Irwinton.*

Site of the public buildings of Wilkinson county established.

Said site shall be called Irwinton.

SECT. 2. *And be it further enacted by the authority aforesaid,* That John Proctor, Robert Barnett, John Speight, John Ball, and Daniel Hicks, be, and they are hereby appointed commissioners, fully authorized to lay out and sell whatever number lots they, or a majority of them, may think proper, in the following manner, to wit: one fourth part of the purchase money payable in twelve months from the day of sale, one fourth part payable in two years, one fourth part payable in three years, and the remaining fourth part in four years thereafter, and shall take notes from the purchasers with approved personal security, made payable to the Inferior Court, and their successors in office, as well as a mortgage on the premises, executed to said court; and the money arising from said sales is hereby appropriated to the building of a court-house and jail, under the direction of said commissioners, who are hereby authorized and empowered to contract for the same, as soon as they, or a majority of them, may think proper, or deem it expedient, first giving thirty days public notice, in one of the Milledgeville gazettes, and at three or more public places in the county, which shall be let out to the lowest bidder at public outcry; the undertaker or undertakers shall be bound in a bond with approved security, in double the amount of the sum or sums undertaken for, to the Inferior Court, and their successors in office, for a faithful compliance to such contract entered into with the commissioners aforesaid.

Commissioners appointed and authorized to lay out and sell any number of lots.

Terms of sale prescribed.

Money accruing from the sales appropriated to the building of a court-house and jail;

Which shall be let out to the lowest bidder, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall lay out and reserve one or two lots, as they may

Commissioners shall lay out and re-

* See title "Towns," act of 1816, No. 671, incorporating Irwinton; also, act of 1817, No. 672, amendatory of said act.

(No. 127.) think most proper, in an eligible part of said site, for the purpose of erecting a court-house and jail thereon; first strictly observing that in laying out the lots intended to serve one or two lots whereon to erect the court and jail. fix the public buildings upon, or those to be sold for county purposes, they shall be so arranged as not to interfere with the lines or lands of any other tract or lot of land except said lot number eighty-three, or be so near thereto as to require any part thereof to complete any lots ever contemplated to be laid out for county purposes.

Commissioners authorized to purchase a tract of land within two miles of the centre of the county, in case they should fail to get titles in due time to the tract before described. Inferior Court shall aid said commissioners.

SECT. 4. *And be it further enacted*, That in case the said commissioners should fail to procure the titles to tract or lot number eighty-three, in the fourth district as aforesaid, within the time allowed them by this act, then and in that case, they, or a majority of them, are fully authorized to purchase not less than one hundred acres, or more than two hundred two and a half acres, within two miles of the centre of said county, and proceed as before pointed out in all respects; and in all cases it shall be the duty of the Inferior Court of said county to give such aid to said commissioners, as may most facilitate the completion of the public buildings, or so far as they may have the power of public funds.

Any unappropriated money arising from the sales aforesaid shall become a part of the county funds, &c.

SECT. 5. *And be it further enacted*, That should there any monies remain unappropriated, arising from the sales of the aforesaid lots, after the public buildings are complete, such overplus, if any, shall be considered as constituting a part of the county funds, and subject to the orders of the Inferior Court.

Courts, &c. where held, until the court-house be completed.

SECT. 6. *And be it further enacted*, That the courts, elections, and other county business, shall be held at the house erected for that purpose, on tract or lot No. 83 in the fourth district, as aforesaid, until the court-house is completed, and the same reported to the Inferior Court by the commissioners appointed to superintend the building the same.

Repealing clause.

SECT. 7. *And be it further enacted*, That all acts or parts of acts, touching or militating against this act, be, and the same are hereby repealed.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 128.)

To add a part of Washington county to the county of Baldwin.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, all that part of Washington county lying between Town creek and the Oconee river; shall constitute a part of Baldwin county, any law to the contrary notwithstanding.

A part of
Washington
county added
to the county
of Baldwin.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 5th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 129.)

To make permanent the site of the public buildings in the county of Madison.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That Danielsville, in the county of Madison, shall be the permanent site for the public buildings of said county, at which place the courts and elections of said county shall be held, from and after the first day of March next, any law to the contrary notwithstanding.*

Danielsville
made the per-
manent site of
the public
buildings of
Madison
county.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 5th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See title "Towns," No. 682, act of 1817, incorporating Danielsville; also act of 1818, No. 683, relative to said town.

(No. 130.)

AN ACT

To add to the county of Jackson all that territory formerly comprehended in Franklin county, and which was left out by Hawkins' line.

Preamble.

WHEREAS, Colonel Hawkins, the United States agent for Indian affairs, in running the line from the Currihee mountain to the head of the Appalachee river, did not run said line agreeable to the true spirit and intent of the treaty, held at Augusta, on the 31st day of May, 1783, but did leave on the Indian side of said line certain lands which was the bona fide right of the state of Georgia and her citizens, and secured to her and them by the third section of the fourth article of the federal constitution :

Certain lands belonging to the state of Georgia by virtue of an Indian treaty held at Augusta in 1783, and left on the Indian side of a line run by Col. Hawkins, shall be added to the county of Jackson.

Restriction as to issuing and locating warrants, &c.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all the land lying west and north-west of the above recited line, which lies on the waters of the Oconee, up to the ridge dividing the waters of the said Oconee from the waters of the Chatahoochee river, commencing at a point of the line run by Hugh Montgomery, under the direction of James Blair, James Van and Keateechee, where the same crosses the dividing ridge between the said Oconee and Broad river, thence along said ridge to the ridge dividing the waters of the Chatahoochee from the Oconee, thence along said ridge a south-west direction, until the same is intersected by the line run by Colonel Hawkins, be, and the same is hereby added to and made a part of Jackson county; subject, nevertheless, to the same restrictions as to issuing and locating warrants, &c. as is prescribed by the third section of an act, entitled An act to extend the operation of the laws of this state over the persons resident in Wafford's settlement, and to organize the same.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 131.)

To make known and establish the dividing line between Camden and Wayne Counties, and to add a part of Camden to Wayne.

WHEREAS, an act passed on the 20th day of December, 1808, to add part of Camden county to the county of Wayne, has been found not to answer the beneficial purposes intended, and which line never has been run :

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the line dividing the said counties of Camden and Wayne shall begin at the ford of Little Satilla, where the post road crosses the same, thence a direct line to the mouth of Buffaloe, from thence to the lower line of the second district of Wayne, where lot No. 241 and 240 join, thence up said line to where lot No. 16 and 17 join, on the Indian boundary line ; and that all the lands lying to the north and west of the above described lines are hereby declared to be added to, and be a part of Wayne county ; and that James Fort and Plenn Sheffield are hereby authorized to run out the said lines ; and that the expense of running said lines be paid by the county of Wayne ; and that all laws militating against this law are hereby repealed.

The dividing line between the counties of Camden and Wayne, defined.

A part of the former added to the latter.

Persons appointed to run said lines.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 132.)

AN ACT

To repeal an act, entitled An act to make permanent the site of the public buildings for the county of Telfair, passed December the third, eighteen hundred and eleven.

Preamble.

WHEREAS, by the authority of the before recited act, the commissioners appointed have fixed, for the public site of said county of Telfair, on the lot or tract of land No. 79, which said lot is at least ten or twelve miles from the centre of said county, on the Ocmulgee river : for remedy whereof,

Repealing clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the before recited act be, and the same is hereby repealed.*

Inferior Court of Telfair county authorized to purchase a tract of land whereon to erect a court-house, &c. to be within two miles of the centre of the county, &c.

SECT. 2. *And be it further enacted, That the justices of the Inferior Court of Telfair county be, and they are hereby authorized and empowered to contract for not a less number of acres of land than fifty, nor a larger number than two hundred two and a half, for the purpose of erecting a court-house and other public buildings on such purchase, to be at or within two miles of the centre of said county, and on or near the Ocmulgee river ; and said court is hereby required to report their proceedings to the next legislature.**

Place of holding courts, &c. until the court-house be built.

SECT. 3. *And be it further enacted, That the courts and elections for said county from this time shall be held at the house of Mark Predgins, until the court-house for said county shall be built.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to; 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See act of 1813, No. 140 ; also act of 1814, No. 148, amendatory thereof.

AN ACT*

(No. 133.)

To lay out a new county out of the counties of Montgomery and Bulloch.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That all that part of the counties of Bulloch and Montgomery, including a line beginning at the mouth of Skull's creek, thence up the main south-east prong to the head thereof, thence a direct course to Monk's ford on Fifteen-mile creek, thence down said creek to the Montgomery county line, thence along said line to Pennington creek, thence up said creek to the head, thence a direct line to the Laurens county line, thence along said line to the Washington county line, thence along said line to Jefferson county line, thence along said line to the Ogechee river, thence down said river to the mouth of Skull's creek, the place of beginning; and all that part of the counties of Montgomery or Bulloch comprehended within the lines aforesaid, shall form a new county, to be known by the name of Emanuel.

Emanuel
county laid
out and de-
fined.

SECT. 2. *And be it further enacted,* That Edward Lane, Francis Pugh, Needham Cox, Eli Whitdon and Uriah Anderson, shall be, and they are hereby appointed commissioners, and they are hereby vested with full power and authority to fix on the site of the public buildings for said county, which shall be as near the centre of said county as convenience will admit of, at which place the courts and elections shall be held, as soon as suitable buildings are erected thereat; and said commissioners, or a majority of them, are authorized and empowered to contract with fit and proper persons for the purpose of building a court-house and jail in said county, which, after thirty days notice, shall be let to the lowest bidder: *Provided,* that until the court-house shall be erected the elections and courts shall be held at the house of Stephen Rich.

Commission-
ers appointed,
who shall fix
on the site of
the public
buildings,
which shall
be near the
centre of the
county.

Said commis-
sioners autho-
rized to con-
tract for the
building of a
court-house
and jail, &c.
Proviso.

SECT. 3. *And be it further enacted,* That the surveyor of Montgomery county shall be, and he is hereby authorized and required to run and plainly mark the several artificial lines herein before designated, which shall be paid for by the county of Emanuel.†

The surveyor
of Montgome-
ry county re-
quired to run
the lines
aforesaid.

* This act amended by an act of 1813, No. 141.

† This section repealed by an act of 1813, No. 141, 3d sec.

(No. 133.) SECT. 4. *And be it further enacted*, That all militia officers and justices of the peace, Militia officers and justices of the peace comprehended in said new county, shall retain their commissions. who are comprehended in the county of Emanuel, shall hold their respective commissions in like manner as if they had been commissioned for said county.

Emanuel county annexed to the middle circuit. Times of holding courts. SECT. 5. *And be it further enacted by the authority aforesaid*, That the county of Emanuel shall be added to and become a part of the middle circuit of this state; and the Superior Courts of said county shall be held on the third Monday in May, and the fourth Monday in November; and the Inferior Courts of said county shall be held on the first Monday in February and July.

Commissioners authorized to purchase a tract of land whereon to fix the public buildings. May lay off and sell lots, &c. &c. SECT. 6. *And be it further enacted by the authority aforesaid*, That the commissioners, or a majority of them, of the county of Emanuel, shall be, and they are hereby authorized and required to purchase a tract of land, not less than fifty acres, on which to fix the site of the public buildings, and lay off the same in lots, and sell and dispose of the same at public auction to the highest bidder, on a reasonable credit; and the proceeds of said sale, after paying first cost of said land, shall be appropriated to the payment of the public buildings, and other county purposes.

Time and place of electing county officers. SECT. 7. *And be it further enacted*, That there shall be an election held at the house of Stephen Rich, on the first Monday in January next, for the purpose of electing a clerk of the Superior and Inferior Courts for said county, a sheriff, coroner, county surveyor, collector and receiver of tax returns.

Emanuel annexed to the 2d brigade, 1st division of the militia of the state. SECT. 8. *And be it further enacted by the authority aforesaid*, That the county of Emanuel shall be added to and become a part of the second brigade of the first division of the militia of the state of Georgia.

Duty of the justices of the Inferior Court with regard to grand and petit jurors. SECT. 9. *And be it further enacted*, That the justices of the Inferior Court for said county shall convene at the house of Stephen Rich as aforesaid, as soon as possible, and from the best information which they may be able to procure, select grand and petit jurors, and proceed to drawing said jurors for the ensuing courts, in the manner pointed out by the law regulating the selecting and drawing grand and petit jurors in this state.

SECT. 10. *And be it further enacted*, That the suits now pending in any of the coun- (No. 133.)
ties from which the county of Emanuel has been taken off, shall not be transferred to Suits already
said new county, except on actions for real estate, but remain and be finally tried in commenced,
the respective counties in which they may be now pending. regulated.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 134.)

To change the name of the county of Randolph.

WHEREAS, it was obviously the intention of the legislature of Georgia, in designat- Preamble.
ing a county in their state by the name of Randolph, to perpetuate the name of John
Randolph, a member of Congress from Virginia, whose early exertions in the cause of
democracy, and entire devotion to the republican system, claimed the approbation and
applause of every good citizen of these United States: *But whereas*, the conduct of said
John Randolph, in his official capacity as a member of Congress, has evinced such a
manifest desertion of correct principles, and such a decided attachment to the enemies
of the United States, as to render his name odious to every republican citizen in this
state and of the United States.

*BE it therefore enacted by the Senate and House of Representatives of the state of Geor-
gia, in General Assembly met, and by the authority of the same, That from and after* The name of
the passage of this act, the county of Randolph shall be called and known by the name Randolph
of the county of Jasper, any law to the contrary notwithstanding. county chang-
ed to that of
Jasper.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 135.)

AN ACT

To add a part of the counties of Telfair and Tatnall to the county of Montgomery.

A part of
Telfair and
Tatnall coun-
ties added to
Montgomery.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That all that part of the counties of Telfair and Tatnall, that is to say, beginning on the Oconee river, running with the Laurens and Telfair county line to the north prong of the Little Ocmulgee, thence down the meanders of said Little Ocmulgee to its confluence, thence down the Big Ocmulgee to its conjunction with the Oconee, thence N. 30 degrees E. to Milligan's creek, in Tatnall county, thence up said creek to the Montgomery county line, and the same shall constitute a part of Montgomery county.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 136.)

AN ACT

To add a part of Clark county to Oglethorpe county.

A part of
Clark county
added to
Oglethorpe.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That from and immediately after the passing of this act, all that part of the tract of land whereon Thomas M^cCoy now resides, lying on the east side of Big creek, be, and the same is hereby added to the county of Oglethorpe.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 20th November, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 137.)

*To add a part of Clark county to the county of Madison.**

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That from and immediately after the passage of this act, all that part of Clark county which would be included by a line commencing where the Madison county line intersects the Clark county line; thence along the dividing ridge between the waters of Beaver-dam and Brushy creeks, to the head of Brushy creek, including all the waters of the same; thence to where the Jackson county line crosses Little Sandy creek, shall be added to, and become a part of the county of Madison; and that the county surveyor of Madison be, and is hereby authorized to run and plainly mark the lines herein contemplated: Provided nevertheless, That the county of Clark shall not be chargeable with any part of the expenses thereof.

A part of
Clark county
added to the
county of
Madison.

County sur-
veyor of
Madison re-
quired to run
the lines.
Proviso.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 20th November, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 138.)

To amend an act, entitled An act to amend An act to make permanent the site of the public buildings in the town of Hartford, in the county of Pulaski.

WHEREAS, the above recited act does not authorize the justices of the Inferior Court to appropriate any part of the county funds, arising from the sale of lots in the town of Hartford, to any other use than paying for the court-house and jail of said county; for remedy whereof,

Preamble.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the justices

* See act of 1819, No. 169, adding thereto a part of the counties of Elbert and Franklin.

(No. 138.) of the Inferior Court of the county of Pulaski, or a majority of them, shall be, and they are hereby authorized and empowered, to appropriate all monies which have arisen, or may hereafter arise, from the sale of the lots in the town of Hartford, in the county of Pulaski, after paying for building the court-house and jail of said county, to other county purposes, as they may deem expedient, any law to the contrary notwithstanding.

Monies arising from the sale of lots in Hartford, in the county of Pulaski, after the court-house and jail is paid for, may be appropriated to other county purposes.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 30th November, 1813.

PETER EARLY, GOVERNOR.

(No. 139.)

AN ACT

To make permanent the site of the public buildings in the county of Montgomery, and to authorize the justices of the Inferior Court of said county to select and draw grand and petit jurors for spring term, 1814.

The site of the public buildings of Montgomery established, and called Mount Vernon

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That the site lately fixed on by the commissioners heretofore appointed, for that purpose, in the county of Montgomery, and their proceedings in relation thereto, be, and the same are hereby confirmed; and that the site fixed on by said commissioners be known and called by the name of Mount Vernon.

Justices of the Inferior Court of said county authorized to select and draw grand and petit jurors for spring term, 1814.

SECT. 2. *And be it also enacted,* That the justices of the Inferior Court of Montgomery county, or a majority of them, be, and they are hereby authorized to select and draw grand and petit jurors for spring term, 1814.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 30th November, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 140.)

*To make permanent the site of public buildings in Telfair county.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the place for building the court-house and jail for the county of Telfair shall be on part of lot No. 340, in the 8th district, Wilkinson, now Telfair county. Site of the buildings of Telfair county

SECT. 2. *And be it further enacted by the authority of the same,* That as soon as the court-house is built on said lot, all courts and elections which the law requires to be held at the court-house shall be held and conducted at the court-house aforesaid; and the same shall become the permanent site of the public buildings for the county of Telfair; any law to the contrary notwithstanding. Courts, &c. required to be held thereat, when the court-house shall be built, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the justices of the Inferior Court, or a majority of them, for the county aforesaid, shall be authorized and empowered to lay off and sell as many lots as they may deem necessary to defray the expenses of building the court-house and jail in said county. Justices of the Inferior Court authorized to lay off and sell lots.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the justices of the Inferior Court, or a majority of them, for the county aforesaid, after giving thirty days notice at three or more public places in said county, shall proceed to let out the building of the court-house and jail, at public outcry, to the lowest bidder. They shall, (after giving certain notice,) let out the building of the court-house and jail to the lowest bidder.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 30th November, 1813.

PETER EARLY, GOVERNOR.

* See act of 1814, No. 148, amending this act.

(No. 141.)

AN ACT

To repeal an act, compelling the Clerks of this state to keep their offices within one mile of their respective Court-houses, so far as respects the county of Emanuel ; and to make permanent the line dividing the counties of Bulloch and Emanuel ; and to repeal the third section, and to alter and amend other sections of an act, entitled An act to lay out a new county out of the counties of Montgomery and Bulloch, passed the 10th December, 1812, and for other purposes.

Clerks of Emanuel county not compelled to keep their offices within one mile of the court-house.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled An act to compel the clerks of this state to keep their offices within one mile of their respective court-houses, passed the day of be, and the same is hereby repealed, so far as respects the county of Emanuel.

The dividing line between the counties of Bulloch and Emanuel defined. (See act of 1815, No. 150, with regard to said line.)

SECT. 2. *And be it further enacted by the authority aforesaid,* That the dividing line between the counties of Bulloch and Emanuel shall be, and the same is hereby declared to be as follows : beginning at the mouth of Skull's creek ; thence up said creek to the head of the south-east fork ; thence a marked line going Dority's trail ; thence to Tatnall county line, being the line lately run and marked by Isham Corbett, David Johnson, Hute Studsill, John Lanier, and Allen Lanier.

The 3d section of the act laying out the county of Emanuel, repealed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the third section of an act, entitled An act to lay out a new county out of the counties of Montgomery and Bulloch, passed the 10th day of December, 1812, be, and the same is hereby repealed.

Commissioners appointed, who are authorized to fix on the site of the public buildings of Emanuel county, and to purchase a tract of land whereon to erect the same.

SECT. 4. *And be it further enacted by the authority aforesaid,* That* Joshua Wood, Travis Thigpen, Jesse Price, John Wolf, and Gideon Hose, be, and they are hereby appointed commissioners, who (or a majority of them) shall have power and authority to fix on the site of the public buildings for the said county of Emanuel, and to purchase in behalf of said county a tract of land, which shall contain not less than fifty, nor more than one hundred acres ; and which shall be as near the centre of said county as practicable, on which the public buildings of said county shall be erected ; and the said commission-

* See act of 1814, No. 146, by which two additional commissioners are appointed, and the site of the public buildings established.

ers are also authorized to lay off the said tract of land in lots, at their discretion, and (No. 141.) after reserving to the county a sufficient number thereof for county purposes, may sell and dispose of the remainder upon such terms, and in such manner, as they may think most conducive to the public interest; and the monies arising therefrom shall, after paying for said tract of land, be applied towards the building of a court-house and jail for said county, which buildings the commissioners are also authorized to let to the lowest bidder, at public outcry, giving at least thirty days notice of the time and place of letting the same, taking bond and security from the person contracting, for the faithful performance of the contract: *Provided*, that until the court-house shall be erected, the courts shall be holden, and elections had, at the house of Stephen Rich, in the said county of Emanuel.

Said land to be laid off into lots, and sold, &c.

Proceeds of the sales appropriated to the payment of the price of the land and the building of a court-house and jail, &c.

Proviso.

SECT. 5. *And be it further enacted*, That if the above commissioners, or a majority of them, cannot or do not agree on the place for the public site, then, and in that case, the justices of the Inferior Court of said county are authorized to appoint some fit and proper person to ascertain the centre of said county; and the justices of said court are authorized to allow him reasonable compensation for his services, to be paid out of the county fund: *And it is also enacted*, that the above commissioners, or a majority of them, shall fix the public site thereat, or as near as conveniency will admit of.

In case said commissioners do not agree on a place for said site, the justices of the Inferior Court shall appoint a person to ascertain the centre of the county, &c. &c. The site to be fixed thereat.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the justices of the Inferior Court for the county of Emanuel be, and they are hereby authorized and required, to lay an extra tax upon the inhabitants of Emanuel county, which shall not exceed one-fourth part of the general tax, for the purpose of building a court-house and jail in said county, and for other county purposes.

Inferior Court of said county shall lay an extra tax for county purposes.

SECT. 7. *And be it further enacted*, That the tax collector for the county of Emanuel be, and he is hereby required to collect the said extra tax, at the same time, and upon the same terms, that he collects the general tax; and when collected, he shall pay over the same to the clerk of the Inferior Court, to be applied to the purposes contemplated by this act.

Duty of the tax collector with regard thereto.

SECT. 8. *And be it further enacted by the authority aforesaid*, That so much of the act, entitled "An act to lay out a new county out of the counties of Montgomery and

Repealing clause.

(No. 141.) Bulloch," passed the 10th day of December, 1812, as militates against this act, be, and the same is hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

(No. 142.)

AN ACT

To extend the powers of the Commissioners of the Court-house and Jail of the county of Madison.

Preamble.

WHEREAS, in and by virtue of an act of the General Assembly of this state, laying out the county of Madison, the justices of the Inferior Court of the county aforesaid, or a majority of them, were authorized, amongst other things, to purchase fifty acres of land, for the purpose of fixing thereon the site of the public buildings for said county, and to lay off the same into lots, and to sell the said lots, under certain restrictions, and to apply the proceeds thereof to the building the court-house and jail of said county, and for other county purposes, and to contract for the building the court-house and jail for said county :

Preamble.

And whereas, the said justices of the Inferior Court have proceeded to contract for the building the court-house of said county, and have also made sale of a number of lots ; And whereas, it is expedient that the same commissioners, or a majority of them, should continue to act as commissioners, so far as to carry into effect and complete the contract by them made, for the building the court-house of said county, and to execute titles to such lots as they may have sold ;

Certain persons authorized to act as commissioners, so far as to execute titles to lots heretofore

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,* That Edward Ware, James Sanders, William Fergus, Isaac Strickland, and Charles Sorrells, or a majority of them, shall be, and they are hereby authorized to act as commissioners, so far as to empower them, or a majority of them, to execute titles to such

lots as they may have heretofore sold, and to carry into effect and complete the contract (No. 142.) by them made for building the court-house of said county: *Provided nevertheless*, that in case they should refuse or neglect to perform the several duties herein required of them, then, and in that case, the justices of the Inferior Court of said county for the time being, or their successors in office, or a majority of them, shall have full power and authority to do and perform the same.

sold by them
in the county
of Madison,
and to com-
plete a con-
tract for build-
ing a court-
house and jail.
Proviso.

SECT. 2. *And be it further enacted*, That the justices of the Inferior Court of the afore-said county of Madison, for the time being, and their successors in office, or a majority of them, shall be considered as commissioners of the court-house and jail of said county, and clothed with the same powers as are given to the justices of the Inferior Court of the county of Madison, by an act of the General Assembly of this state, passed on the fifth day of December, 1811.

Justices of the
Inferior Court
of Madison
county con-
stituted com-
missioners of
the court-
house and jail.

SECT. 3. *And be it further enacted*, That all acts and parts of acts, which militate against this act, be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

(No. 143.)

AN ACT

To define the line dividing the counties of Columbia and Warren.

Dividing line
between the
counties of
Columbia and
Warren defin-
ed.

Proviso.

BE it enacted by the Senate, and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Reuben Y. Langston, of Columbia county, and P. Petit, of Warren county, be, and they are hereby authorized, to run and plainly mark the line dividing said counties, beginning at Watson's old mill, on Sweetwater, running from thence to the old path at Hodgins's old place, known by the name of the Old Lime Path, where R. Lazenbury now lives, so as to leave said Lazenbury in Warren county; from thence a direct line to Stark's old mill, on Little river; and that the said surveyors be entitled to receive for their trouble the sum of twenty-five dollars each, to be paid by the Inferior Courts of their respective counties: Provided, that should either of the persons appointed by this act die, or become unable to perform the duties herein assigned him, it shall then be lawful for the justices of the Inferior Court of the county where such failure may happen, to appoint some other fit and proper person to run the said line in his or their room and stead.

BENJAMIN WHITAKER,

Speaker of the House of Representatives,

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 144.)

To alter and amend "An act to extend the operation of the laws of this state over the persons resident in Wafford's Settlement, and to organize the same," passed the 8th December, 1806.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That The 3d sec. of the recited act repealed. *from and after the first day of June next, the third section of the before recited act be, and the same is hereby repealed.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 9th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 145.)

For adding a part of Tatnall county to Montgomery county, and for other purposes.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met; That all that part of Tatnall county contained in, or lying to the north-west of the following boundary, be added to Montgomery county; beginning at the place where the present line of Montgomery and Tatnall counties strikes Milligan's creek; thence a direct line to James M^cCloud's, including said M^cCloud in Montgomery county; then in a direct course to the present boundary line between Tatnall and Montgomery counties; and that the county surveyor of Montgomery be directed, within nine months, to run out and mark said line; and that the Inferior Court of the county A part of Tatnall county added to Montgomery.
Surveyor of Montgomery required to run the line.

(No. 145.) of Montgomery be authorized and required to pay the said surveyor, out of the county funds, a sum which may, in their opinion, be commensurate with the services by him performed.

His compensation.

BENJAMIN WHITAKER,

Speaker of the House of Representatives

WILLIAM RABUN,

President of the Senate

Assented to, 11th November, 1814.

PETER EARLY, GOVERNOR.

(No. 146.)

AN ACT

To make permanent the site of the public buildings in the county of Emanuel, and to add two more commissioners to the board of commissioners heretofore appointed to contract and build said Court-house and Jail for said county.

Site of the public buildings of Emanuel county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the site of the public buildings be at or within one mile of the place pointed out by Jesse Mezzle to be the centre of said county.

Two commissioners added to the original board, appointed to contract for the building of the court-house and jail of said county.

SECT. 2. *And be it further enacted,* That Jesse Mezzle and Archibald Culberth be appointed commissioners to join the board of commissioners heretofore appointed, to contract and carry into effect the building of the court-house and jail of said county; and the said commissioners, or a majority of them, shall have the same power, and to be governed by the same law passed to that effect, the sixth day of December, 1813, so far as respects the contracting and building said court-house and jail, any law to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives

WILLIAM RABUN,

President of the Senate

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 147.)

To move the site of the public buildings in the county of Bryan, and for other purposes therein mentioned.

WHEREAS, the court-house and site of the public buildings in the county of Bryan is not central by many miles, and to the great inconvenience to the inhabitants thereof: Preamble.

SECT. 1. *BE it enacted therefore by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That the court-house and jail be erected on the new site, which shall be either central at or near Mansford, on Canouchee river, as convenience will admit of. Court-house and jail of Bryan county, where to be erected.

SECT. 2. *Be it further enacted,* That Godhulf Smith, Henry Sherman, James Martin, Zachariah Wells, and Luke Man, be, and they are hereby appointed commissioners, who, or a majority of them, shall have power and authority to fix on the new site of the public buildings for the county of Bryan, and to purchase in behalf of said county a lot or tract of land which shall contain two acres, on which the public buildings of the county of Bryan shall be erected. Commissioners appointed to fix on the site of the public buildings of said county, and to purchase a tract of land for said purpose.

SECT. 3. *Be it further enacted,* That the commissioners are hereby also authorized to expose to sale at public outcry, giving at least thirty days notice in three of the most public places in the county, the old court-house, jail, and all the lot of land attached to said buildings as the old site, which money shall be applied to the erecting the new court-house on the new site. A sale of the old court-house, jail, &c. authorized.

SECT. 4. *Be it further enacted by the authority aforesaid,* That if, on trial, the old court-house will not sell for its value, in that case the commissioners may either contract for the removal of the old one, or the building of a new one on the new site, to the lowest bidder, taking bond for the faithful performance of the work from the undertaker, giving at least thirty days notice in three of the most public places in the county; and the commissioners shall adjudge of the value of the old buildings, and may bid in behalf of the county, to prevent the court-house selling under its value. Commissioners invested with a discretionary power as to the removal of the old court-house, or the building of new one, in case the former will not sell for its value.

SECT. 5. *Be it further enacted,* That it shall be the duty of the justices of the Inferior Court to aid in facilitating the erection of the new court-house, and that they shall Duty of the Inferior Court of said county

(No. 147.) lay the extra tax allowed by law to the county of Bryan, annually, until the court-house with regard to said court-house and jail. is fit for the reception of courts, &c. ; and that the justices of the Inferior Courts shall pay over to the aforesaid commissioners, all the money from the county fund that may be now in hand, or that may be by extra tax or otherwise hereafter, that can be spared until the new court-house is fit for use.

Courts and elections, where held in the interim.

SECT. 6. *Be it further enacted*, That during the vacation of the court-house in said county, by sale or otherwise, that courts, elections, &c. be held at the house occupied by Mr. Lamb, or any other house that may be procured by the commissioners aforesaid.

Repealing clause.

SECT. 7. *Be it further enacted*, That all laws, or parts of laws, militating against this law, or any part thereof, are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

(No. 148.)

AN ACT

To amend An act to make permanent the site of the public buildings of Telfair County.

Place of building the court-house and jail in Telfair county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and immediately after the passing of this act, the place for building the court-house and jail for the county of Telfair, shall be on part of lot No. 340, in the eighth district of Wilkinson, now Telfair county.

The justices of the Inferior Court authorized to lay off and sell any

SECT. 2. *And be it further enacted*, That the justices of the Inferior Court, or a majority of them, shall have power to lay off any number of lots they may deem necessary, and proceed to sell the same, by giving at least thirty days notice in one of the

public gazettes of the Ocmulgee circuit, and at three of the public places in said (No. 148.) county, for the purpose of building a court-house and jail for said county.

number of
lots.

SECT. 3. *And be it further enacted*, That from and after the passing of this act, all courts and elections which are required to be held at the court-house, shall be held at the place appointed as aforesaid; and all laws and parts of laws, militating against this, be, and the same are hereby repealed.

Courts and
elections,
where to be
held.
Repealing
clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 149.)

To add all that part of the unlocated territory of this state which lies without the limits of the present counties to the county of Jasper, for the purpose of giving the courts jurisdiction of crimes committed by white persons against white persons, in said territory, and for other purposes.

WHEREAS, the local situation of this state is such, that many of the citizens, as well of those of her neighbouring states, are necessarily compelled to pass and repass through, and sometimes to transact business of great importance in that part of our unlocated territory, which is for the present assigned to the Indians for their hunting ground; And whereas, several crimes of the most aggravating nature, as well as others against the peace and good order of society, have been, and may in future be committed, against our good citizens; and as one of the primary objects of government is, that the parties composing it shall be protected in their persons and property, and as our judiciary is deprived of doing either the one or the other, from the want of jurisdiction, which jurisdiction can only be given, agreeable to our constitution, by adding the same to some one of the counties of this state:

Preamble.

* This act amended by act of 1816, No. 154.

(No. 149.)

The unlocated territory of this state, not contained in any of the present counties, added to the county of Jasper.

Proviso, as to land warrants, &c.

Proviso, as to costs upon prosecutions for crimes committed in said territory, &c.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted, That all the unlocated territory which lies within the present chartered limits of this state, and which is not contained in any of the present counties of this state, but which is reserved to the Indians (by existing treaty) for their hunting ground, be, and the same is hereby added to, and shall become a part of the county of Jasper: Provided nevertheless, that nothing in this act contained shall be so construed as to justify any surveyor in locating any warrant, or any person in obtaining any grant, or any right or privilege whatever, other than he, she or they had previous to the passing of this act, for any part of the aforesaid territory; and all surveys made or grants issued, for any part of the same, shall be null and void to all intents and purposes; and the parties making such survey or surveys, or obtaining any such grant or grants, shall be subject to all the penalties which are prescribed by the fifth section of an act, entitled An act to amend some and repeal other parts of the several land acts of this state, passed on the 22d day of February, 1785, for preventing persons from making surveys or obtaining grants, for any lands lying or being without the limits of the counties then defined. And provided also, that in all cases of prosecution or imprisonment for criminal acts in said unlocated territory, the expense of the prosecution and imprisonment shall be paid by the state, in case it cannot be recovered from the criminal or his property.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 150.)

To establish and make plain the dividing line between Bulloch and Emanuel counties.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Allen Dixon, Jacob Minas, and Abisha Turner, or any two of them, shall have power and authority, so soon as may be, to lay out and make plain the dividing line between Bulloch and Emanuel counties, beginning at the end of Dougherty's Trail, on Fifteen-mile creek, from thence a direct line to the Tatnall county line.

The dividing line between the counties of Bulloch and Emanuel required to be run.

SECT. 2. *And be it further enacted,* That all acts or parts of acts militating against this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 30th November, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 151.)

To sell and dispose of the court-house and jail and two acres of land, formerly the court-house, jail, and the public square of Montgomery county, now in the county of Emanuel.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the court-house and jail, in the county of Emanuel, be authorized, and they are hereby directed to dispose of and sell the said court-house and jail, and the aforesaid two acres of land, it being the public lot of said county of Montgomery formerly, now Emanuel, and that the money arising from the sale of said court-house, jail, and two acres of land, be returned to the Inferior Court of Emanuel county,

Commissioners of the court-house and jail of the county of Emanuel required to dispose of the

(No. 151.) to be disposed of in discharging any demands against said county, which may be
 former court- approved of by the said Inferior Court of said county.
 house, &c. of
 Montgomery.
 Proceeds
 thereof how
 appropriated.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 152.)

AN ACT

For adding part of Jasper county to Morgan county.

BE it enacted by the Senate and House of Representatives of the state of Georgia,
in General Assembly met, and it is hereby enacted by the authority of the same, That
 A part of Jas- all that part of Jasper county north of a line beginning at the corners of Jasper, Morgan
 per county added to Morgan. and Putnam counties, and running a direct course through the 15th and 19th districts,
 and intersecting the Indian boundary line, at the corner of lots No. 154 and 181, in said
 19th district, be added to and become a part of Morgan county; and that the county
 The surveyor of Morgan county required to run the line. surveyor of Morgan county be directed to run said line, by the Inferior Court of said
 Proviso. county, after the 10th day of January next; and that the said court be authorized to pay
 said surveyor for running said line, as to them may appear just: *Provided nevertheless,*
 that nothing in this law shall be so construed as to prevent the collector of taxes for the
 county of Jasper to collect the arrears of taxes due from any of the citizens of that part
 of Jasper county now added to the county of Morgan.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 153.)

To authorize the justices of the Inferior Court of Richmond county, or a majority of them, to sell and dispose of the Jail in the city of Augusta, and to erect another in a more fit and convenient place.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said justices of the Inferior Court of the county of Richmond, or a majority of them, be, and they are hereby authorized to sell and dispose of the jail in the city of Augusta and county of Richmond, together with the lot of land appertaining to the same, to the highest bidder; and to erect and build a jail for the use of the county of Richmond, in any place, which to the said justices, or a majority of them, shall be deemed and held the most fit and proper place for the erection and building of the said jail.

Inferior Court of Richmond county authorized to sell the jail, &c. thereof, and to erect another in a suitable place.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

* See act of 1818, No. 162, authorizing the sale of the court-house, &c.

(No. 154.)

AN ACT

To amend an act, entitled "An act to add that part of the unlocated territory of this state, which lies without the limits of the present counties, to the county of Jasper," passed the 23d day of November, 1814.

Preamble.

WHEREAS, it is found by experience that the object of the before recited act cannot be carried into full effect, on account of the large extent of territory :

The counties of Wayne, Montgomery, Telfair, Pulaski, Twiggs, Jones, Jackson and Franklin, shall have jurisdiction over crimes committed in the

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the counties of Wayne, Montgomery, Telfair, Pulaski, Twiggs, Jones, Jackson and Franklin, shall have jurisdiction over crimes committed as mentioned in the before recited act, in the following manner, to wit: all that unlocated territory lying south-east of the boundary line, made in a treaty with the Creek Indians, by general Jackson, shall be added and become a part of the county of Wayne.*

unlocated territory of this state. A part of said territory annexed to Wayne county.

Land courts prohibited from granting any land warrants to be levied on the territory acquired at Jackson's treaty, &c. and surveyors from executing the same. Penalties.

SECT. 2. *And be it further enacted by the authority aforesaid, That nothing in this act, or the act to which this act is amendatory, shall be so construed as to authorize any land court in this state, or any of the counties named in this act, to issue or grant any land warrants to be laid, or any surveyor to execute or lay any land warrant, on any part of the territory lately ceded to the United States by the Creek nation of Indians, at the treaty commonly called Jackson's treaty, or any other lands, the Indian title to which has not been heretofore extinguished; and all surveyors who shall make any surveys, or all persons obtaining grants for any part or parts of said territory lately ceded by said Creek Indians as aforesaid, and by this act added to Wayne county, shall be subject to all the penalties as prescribed by an act, entitled An act to amend some and repeal other parts of the several land acts of this state, passed on the 22d day of February, 1785; and all surveys made and grants obtained in the territory aforesaid, shall be, and they are hereby declared to be, null and void; nor shall any court ever permit any plat or grant so obtained, or which may be so surreptitiously obtained, to be admitted before any jury as evidence of title to said land or territory, or any part thereof.*

Surveys made and grants obtained in said territory declared null and void, &c.

A part of said territory added to Montgomery county.

SECT. 3. *And be it further enacted, That all that unlocated part of Jasper county lying above said boundary line, up to a road leading from the Big-bend on the Ocmulgee river, called Blackshear's road, leading to Trader's Hill, on St. Mary's river, including said road, is hereby added to and made a part of Montgomery county.*

SECT. 4. *And be it further enacted by the authority aforesaid,* That all the unlocated (No. 154.) territory north of said road, and up to Oswitchee Trail, including said Trail, leading from the Ocmulgee, near the upper line of Telfair county, is hereby added to and made a part of the county of Telfair.

A part to
Telfair.

SECT. 5. *And be it further enacted,* That all that unlocated territory north of said Trail, and up to the Uchee Trail, leading from Hartford, now called Blackshear's road, including said road, is hereby added to and made a part of the county of Pulaski.

A part an-
nexed to
Pulaski.

SECT. 6. *And be it further enacted,* That all the unlocated territory north of said road, and up to the Federal road, leading from Fort Hawkins, including said road, to Fort Mitchell, on the Chatahochee, is hereby added to and made a part of the county of Twiggs.

A part added
to Twiggs.

SECT. 7. *And be it further enacted,* That all the unlocated territory north of said road, and up to a road leading from Zachariah Philips's, sen'r. on the Ocmulgee, including said road, which road crosses the Chatahochee at Canard's, is hereby added to and made a part of the county of Jones.

A part to
Jones county.

SECT. 8. *And be it further enacted,* That all the unlocated territory north of said road, and up to the Cherokee line, or a path leading from the High Shoals of the Appalachee to the Standing Peach Tree, on the Chatahochee, called the Hightower Trail, including said Trail, is hereby reserved to the county of Jasper.

A part to
Jasper.

SECT. 9. *And be it further enacted,* That all the unlocated territory north of the last mentioned Trail, and as far as the Federal road, leading from Jackson county to Nickajack, is hereby added to and made a part of the county of Jackson.

A part to
Jackson.

SECT. 10. *And be it further enacted,* That said Federal road, and all the territory north of the same, to the 35th degree, or north boundary of this state, be, and the same is hereby added to and made a part of the county of Franklin.

A part to
Franklin.

SECT. 11. *And be it further enacted,* That all offences, committed within the unlocated territory as aforesaid, against the state, or all crimes committed by persons citizens of this state, or of the United States, and entitled to the privileges of citizens as aforesaid, or against the state, or any of its citizens as aforesaid, or within either of the counties aforesaid, or in the territory thus added to either of said counties, shall be tried and

Crimes com-
mitted in said
unlocated ter-
ritory triable,
&c. in the
county to
which such
territory is
annexed.

(No. 154.) punished in the county to which said territory is added and made a part, any law to the contrary notwithstanding.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 155.)

AN ACT

To amend an act, entitled An act to establish the site of the public buildings in Jones county, and appropriate the money arising from the sale of public lots.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority aforesaid, That the justices of the Inferior Court for said county for the time present, and their successors in office, be, and they are hereby appointed commissioners of the court-house and jail of said county, with all the authority and powers which by the before recited act is given to the then justices of said Inferior Court, any thing in the before recited act to the contrary notwithstanding.

The justices of the Inferior Court of Jones county, and their successors in office, constituted commissioners of the court-house and jail of said county.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 156.)

To authorize and empower the justices of the Inferior Court of Elbert county to build or erect a new court-house, at any place in their discretion, within three hundred yards of where the old one now stands.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That at any time from, and immediately after the passing of this act, it shall and may be lawful for the justices of the Inferior Court of the said county of Elbert, or a majority of them, whenever they shall have sufficient funds in their hands, to erect or build, or cause to be erected or built, a new court-house in the said county of Elbert, at any site or place they, or a majority of them, may deem proper: *Provided*, that it does not exceed three hundred yards from where the old one now stands: *And provided also*, nevertheless, that if the said justices of the Inferior Court aforesaid shall, within three months from the passing of this act, be furnished with good titles to the original public square, agreeable to a plan of the town of Elberton, whereon the court-house now stands, clear of incumbrance, then, and in that case, the public buildings shall be continued on said square.

The justices of the Inferior Court of Elbert county authorized to build a new court-house.

Proviso.

Proviso.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 157.)

AN ACT

To alter and amend an act, entitled "An act to make permanent the site of public buildings in the county of Twiggs, and for other purposes."

The commissioners of the court-house and jail of Twiggs county required to transfer all monies, &c. in their hands to the justices of the Inferior Court.

Penalty for non-performance.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the court-house and jail of said county of Twiggs, or a majority of them, shall, on the first Monday in January next, or within twenty days thereafter, meet at the town of Marion, in said county, and transfer all monies which have not heretofore been laid out for county purposes, together with all bonds, notes, and other securities, which may have been taken in consideration of the sale of lots in the town of Marion aforesaid, to the justices of the Inferior Court of said county, under the penalty of five thousand dollars; which said penal sum, on the failure of the compliance of said commissioners, or either of them, holding public money arising from the sale of said town lots, as also all bonds, notes, and other securities, may be sued for, and recovered in any court of justice in this state having cognizance thereof.

Said justices vested with the same powers that said commissioners possessed, &c.

SECT. 2. *And be it further enacted,* That the said justices of the Inferior Court are hereby vested with the same power and authority that the said commissioners have heretofore been possessed of, and liable to the same fines and penalties as regards the funds arising from the sale of the lots, &c. in the said town of Marion:

Said justices, after paying the debts contracted by the said commissioners, may appropriate the remainder of the funds arising from the sale of lots to the use of the Marion Academy, &c. &c.

SECT. 3. *And be it further enacted,* That the said justices of the Inferior Court, or a majority of them, after paying off the demands that are now due and owing by the said commissioners, for the building and completion of the court-house and jail in said county, and for other necessary expenses, are hereby authorized to appropriate the balance of the funds of said county, or any part thereof, arising, or which may have arisen, from the sale of said lots, to the trustees of the Marion Academy, for the use and benefit of said academy, or make such other disposition thereof as may, by said court, be deemed most to the interest of the county.

Authorized to sell any lots in said town, not already disposed of, &c.

SECT. 4. *And be it further enacted,* That the said justices of the Inferior Court and their successors, or a majority of them, are hereby authorized to sell and dispose of any lot or lots, belonging to said town, not already disposed of, under the same restrictions, and on such terms as are pointed out in the act authorizing said commissioners to sell lots, of which this act is amendatory, and to appropriate the funds arising therefrom as directed by the third section of this act.

The proceeds how appropriated.

SECT. 5. *And be it further enacted*, That all laws and parts of laws that militate (No. 157.) against this act be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 158.)

To remove and make permanent the seat of the public buildings of M^cIntosh county at the town of Darien, and to provide for disposing of the present court-house of M^cIntosh county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the thirtieth day of April, eighteen hundred and nineteen, the permanent seat of the public buildings of M^cIntosh county shall be at the town of Darien.

The seat of the public buildings of M^cIntosh shall be at Darien after the 30th of April, 1819.

SECT. 2. *And be it further enacted*, That until a court-house is built in Darien, all courts and elections, from and after the thirtieth day of April, eighteen hundred and nineteen, for the county of M^cIntosh, shall be held in some private house in the town of Darien.: *Provided*, as soon as the mayor and aldermen of Darien shall have built a council-house, they shall allow the courts and elections of M^cIntosh county to be held in the council-house, until the Inferior Court of said county shall build a court-house, or the mayor and aldermen may sell the said council-house to the Inferior Court of M^cIntosh county for a court-house.

Courts and elections, where held.

Proviso.

SECT. 3. *And be it further enacted*, That it shall be the duty of the justices of the Inferior Court of M^cIntosh county to proceed to build a jail in the town of Darien as early as possible: *Provided*, nothing in this act shall be construed to compel the present clerks of the Superior and Inferior Courts to keep their offices at or within one mile of the town of Darien, until the expiration of the term for which they are at present elected.

Court-house and jail to be built as soon as possible.
Proviso.

(No. 158.) **SECT. 4.** *And be it further enacted,* That from and after the thirtieth day of April, eighteen hundred and nineteen, it shall be the duty of the justices of the Inferior Court of M^cIntosh county, after giving thirty days notice in two or more public places of said county, to proceed to sell the present court-house and lot of ground, in such manner as they, or a majority of them, may think most advantageous to the county, and apply the proceeds of the sale to such public use as they may think most proper and advantageous.

Repealing
clause.

SECT. 5. *And be it further enacted,* That all laws and parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 20th November, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 159.)

AN ACT

To authorize the justices of the Inferior Court of Emanuel county to sell the public lots in the county, belonging to said county.

The public
lots of the
county of
Emanuel to
be sold.

Proceeds of
the sale ap-
propriated to
county pur-
poses.

Notice.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act, the justices of the Inferior Court of Emanuel county, or a majority of them, shall be, and they are hereby authorized to sell and dispose of the whole, or any part of the lots belonging to said county, and make and execute a deed in fee simple to the purchaser, which money arising from such sale, shall be paid over to the clerk of the Inferior Court for county purposes, and that previous to such sale the said justices shall give at least twenty days public notice in three or more public places in said county, and at the court-house.

SECT. 2. *And be it further enacted,* That all laws or parts of laws militating against (No. 159.)
this act be, and the same are hereby repealed. Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 160.)

*To define the lines between the counties of Washington and Hancock, so far as
respects the plantation of Thomas Coleman.*

WHEREAS, doubts have arisen as respects the dividing line between the counties Preamble.
of Washington and Hancock, at or near the plantation of Thomas Coleman, or the
place commonly called the Cross Roads :

*BE it enacted therefore by the Senate and House of Representatives of the state of
Georgia, in General Assembly met, and it is enacted by the authority of the same,*
That from and immediately after the passing of this act, the road as it now is, so as to
place the dwelling-house of the said Thomas Coleman in the county of Hancock, be,
and the same is hereby considered and taken as the true line of division between the
said counties of Washington and Hancock, any law, usage or custom, to the contrary
thereof notwithstanding.

Dividing line
between the
counties of
Washington
and Hancock
so defined as
to place the
residence of
Thomas Colc-
man in the
latter.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 161.)

AN ACT

*To organize the counties of *Walton, Gwinnett, Hall, and Habersham, and to add a part of Jackson county to each of the counties of Walton, Gwinnett, and Hall, and a part of Franklin county to the counties of Hall and Habersham.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

A part of Jackson county added to the county of Walton.

That all that part of the county of Jackson, which lies south-east and south-west of a line to commence on the Appalachee river, where the dividing line between the counties of Walton and Gwinnett strikes the same, and continuing the course of said line until the same strikes the Hog Mountain road; thence down the same to the southern line of said county; thence along the same to the Appalachee river, shall be added to, and

Also, a part thereof to the county of Gwinnett.

make a part of the county of Walton: and all that part of said county which lies above the above prescribed line; and thence along the road which passes Thompson's mill, to the Mulberry fork of the Oconee river; thence a direct line to the corner of Gwinnett county on the top the Chatahoochee ridge, shall be added to, and become a part of

Also, a part thereof to the county of Hall.

Gwinnett county: and all that part of Jackson county, which lies north-west of a line, to begin at the house of William Clements, and running parallel with a line commonly called Hawkin's line, to the present line of Franklin county, be added to, and become

A part of Franklin added to Habersham.

a part of the county of Hall: and all that part of Franklin county, which lies north-west of a line beginning on the Tugalo river at the mouth of Walton's creek, and running up said creek to the Unacoy road; thence till Blair's road crosses the same; thence along said road to Tate's bridge; thence along the road to the Silver Shoals on the Hutson fork of Broad river; thence to the south-west corner of Habersham county, be

A part of Franklin added to the county of Hall.

added to, and become a part of Habersham county: and all that part of the county of Franklin, which lies north-west of a line running thence direct to the place where the dividing line between Jackson and Hall counties strikes the Franklin county line, shall be added to the county of Hall.

Militia officers and justices of the peace of Jackson or Franklin counties, now in office, who are included in any of the new counties aforesaid, shall retain their offices, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all officers of the militia, and justices of the peace now in office, in either of the counties of Jackson or Franklin, and are comprehended in either of the aforesaid new counties, shall hold and exercise their respective offices in the counties in which they may fall, in like manner as if commissioned for said county.

* With regard to the boundary lines, &c.-of these counties, see title, "Land acts," No. 318, act of 1818; also, act of 1819, No. 322; see also present title, acts of 1819, Nos. 163 and 168.

SECT. 3. *And be it further enacted*, That the justices of the Inferior Courts of the (No. 161.)
 counties of Walton, Gwinnett, Hall, and Habersham, shall be, and they are hereby ap- The justices
 pointed commissioners of the court-houses and jails in their several counties, and they of the Inferior
 are hereby vested with full power and authority to fix on the site of the public build- Courts of said
 ings in their said counties, which shall be as near the centre of each county as conve- new counties
 niency will admit of, at which places the courts and elections shall be held as soon as made commis-
 suitable buildings are erected; and they, or a majority of them, are hereby authorized sioners of the
 to purchase as much land as they may deem necessary, on which to erect said build- court-houses
 ings: *Provided*, that they shall not purchase more than two hundred and fifty acres in and jails of
 each county; and to contract with persons for the purpose of building a comfortable their several
 court-house and secure jail in each of their several counties. Proviso.

SECT. 4. **And be it further enacted*, That until suitable court-houses shall be erect- Places of hold-
 ed in said several counties, the Superior and Inferior Courts and elections shall be held ing courts, &c.
 in the county of Walton, at Easley's Cowpens; and in the county of Gwinnett, at the in said coun-
 house of Elisha Winn; in the county of Hall, at the house of John McDuffy; in the ties, until sui-
 county of Habersham, at the school-house near Walter Adair's. table court-
 house be erec-
 ted.

SECT. 5. *And be it further enacted*, That the justices of the peace in said several Justices of the
 counties, or any two or more of them, after giving at least twenty days notice by adver- Inferior Courts
 tisement, in at least three of the most public places in their several counties, shall hold of said coun-
 and superintend an election for five justices of the Inferior Court in each county, and ties, how elect-
 make return thereof agreeable to law, which said several justices shall be commis- ed and commis-
 sioned. sioned.

SECT. 6. *And be it further enacted*, That it shall be the duty of the justices of the Clerks, &c.
 Inferior Courts in said counties, or a majority of them, severally to advertise and hold how elected
 in said counties elections for clerks of the Superior and Inferior Courts, and sheriffs, and commis-
 county surveyors, and coroners, and make return thereof agreeably to law, who shall be sioned.

SECT. 7. *And be it further enacted*, That the militia officers in said several counties Militia officers
 shall be, and they are hereby authorized and required to lay off said counties into com- of said coun-
 pany districts; to advertise and superintend elections in said several company districts; ties shall di-
 and it shall be the duty of any two of the justices of the peace in the adjoining dis- vide said coun-
 tics into com-
 pany districts.

* This section repealed by act of 1819, No. 166, which authorizes the justices of the Inferior Courts of Walton, Gwinnett and Habersham to appoint temporary places of holding courts and elections.

(No. 161.) Elections of justices of the peace and militia officers. tricts, to advertise and superintend elections in said several company districts, for two justices of the peace and militia officers, and make returns accordingly.

Said counties annexed to the 2d brigade, 4th division of the militia of the state.

Added to the western circuit.

Times of holding the Superior and Inferior Courts.

SECT. 8. *And be it further enacted*, That the militia in the said several newly created counties shall be added to, and become a part of the second brigade of the fourth division of the militia of Georgia.

SECT. 9. *And be it further enacted*, That the above counties shall be added to, and form a part of the western circuit, and the Superior Courts shall be held in the county of Walton, on the Thursday after the second Monday in August and March; on the Monday thereafter, in the county of Gwinnett; on the Thursday thereafter, in the county of Hall; and on the Monday thereafter, in the county of Habersham; and the Inferior Courts shall be held in the county of Walton, on the first Monday in November, and on the Thursday thereafter, in Gwinnett; on the Monday thereafter, in Hall, and on the Thursday thereafter, in Habersham.

Regulation with regard to draws in the approaching land lottery.

SECT. 10. **And be it further enacted*, That nothing in this act shall be so construed as to prevent those citizens who reside within the limits, and under the civil jurisdiction of the counties of Jackson and Franklin, and who are hereby added to said new counties, from giving in for draws in the present contemplated land lottery, in the districts in which they now reside, nor to authorize any person who now resides on the lands lately acquired from the Cherokee and Creek Indians to a participation in said lottery.

Land courts in said counties prohibited from issuing land warrants, and surveyors from locating lands therein, &c.

SECT. 11. *And be it further enacted*, That it shall not be lawful for the land courts in any or either of the counties of Walton, Gwinnett, Hall or Habersham, to issue or sign any land warrant, nor shall the surveyor or surveyors in any or either of the counties aforesaid, locate or survey any land in any or either of said counties, until after the lands lately acquired of the Creek and Cherokee Indians shall be disposed of agreeably to law, nor until they shall afterwards be authorized so to do by law.

Justices of the Inferior Courts of said counties made commissioners of the court-houses and jails thereof, &c.

SECT. 12. *And be it further enacted*, That the justices of the Inferior Court of said counties be, and they are hereby made commissioners of the court-house and jail in said counties, and to sell and dispose of, and to make titles to any part of the lands which they are by this act authorized to purchase for the site of the public buildings, and apply the proceeds thereof, together with the proceeds of their several county taxes, which by

* This section repealed by act of 1819, No. 166.

law they are authorized to levy, towards defraying the expenses of erecting a court-house (No. 161.) and jail in each of said several counties.

SECT. 13. *And be it further enacted*, That the justices of the Inferior Court of each and every one of said new counties, so soon as conveniency will admit, after they are commissioned, shall select persons for grand jurors, and proceed to draw grand and petit jurors at such time and place as may be most convenient, any law to the contrary notwithstanding: *Provided nevertheless*, that nothing herein contained shall be so construed as to authorize any surveyor appointed by the surveyor general to lay off the four upper new counties, to wit: Walton, Gwinnett, Hall and Habersham, to run any lines into any part or parts of the old counties, which is contemplated by the before recited act, to be added to and become a part of any of said new counties; and that the justices of the Inferior Courts of Franklin and Jackson, shall appoint fit and proper persons to run and plainly mark all lines which are not natural boundaries, and that they pay out of the old county funds for the same.

Duty of the said justices concerning grand and petit jurors.

Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 162.)

To authorize the Inferior Court of the county of Richmond to sell and dispose of the court-house of said county and the lot appertenant, as well as all the public property belonging to the said Inferior Court.

WHEREAS, the justices of the Inferior Court of the county of Richmond have, by their petition presented to the General Assembly, stated, that an opportunity is afforded them of making a very advantageous arrangement with the city council of Augusta, relative to the court-house and jail of said county, and have prayed leave to sell and dispose of the same, as well as all the public property belonging to the said Inferior Court: And whereas, the General Assembly are disposed to offer to the said Inferior Court the opportunity of effecting an object so desirable to their county:

Preamble.

(No. 162.) SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Inferior Court of the said county of Richmond, and their successors in office, or a majority of them, shall be, and they are hereby authorized and empowered to sell, barter or dispose of, in any manner and upon any terms they, or a majority of them, may think most conducive to the public welfare and convenience, the court-house of said county, as well as the lot whereon the same is situate, with the appertenances, as also the houses and lots on Bridge row, in the city of Augusta, and all and every other species of public property belonging to the said county of Richmond: *Provided*, that the proceeds of said sale, barter or disposition of said property, be appropriated to the procurement of another court-house and jail, for the use of the county of Richmond: *And provided also*, That the said county of Richmond shall not, by any arrangement to be made by the said Inferior Court, by virtue of this act, be at any time deprived of a court-house and jail, in and for said county.

The Inferior Court of Richmond county authorized to dispose of (by sale or otherwise) the court-house, &c. of said county.

Proviso.

Proviso.

Also authorized to change the site of the court-house and jail.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said justices of the Inferior Court of the county of Richmond, or a majority of them, shall be, and they are hereby vested with full power and authority to alter and change the site of the court-house and jail of said county: *Provided*, the same shall not be removed from the city of Augusta, nor be placed above Washington street in said city.

Repealing clause.

SECT. 3. *And be it further enacted by the authority aforesaid*, That all acts and parts of acts militating against this act be, and the same are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 163.)

To alter and define the line dividing the counties of Jackson and Gwinnett, and to alter the line dividing the county of Gwinnett and the county of Hall.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the line dividing the counties of Jackson and Gwinnett, commencing at the point where the line dividing the counties of Walton and Gwinnett strikes the Hog Mountain road, and thence along the road which passes Thompson's mill, shall extend from said mill along an old road to Langston's mill, on the Mulberry fork of the Oconee river, thence up said fork to where the line dividing the counties of Hall and Gwinnett crosses the same, be, and the same is hereby declared to be, the line dividing the counties of Jackson and Gwinnett.

The dividing line between the counties of Jackson and Gwinnett defined.

SECT. 2. *And be it further enacted,* That the line dividing the counties of Hall and Gwinnett shall commence at the mouth of Shoal creek, thence by a direct line to a point three and three-fourth miles north-east of a stake, the present corner of Hall and Gwinnett counties, on the Chatahoochee ridge, and on the line running from thence to William Clements, thence along said line to the Mulberry fork of Oconee river.

The dividing line between the counties of Hall and Gwinnett defined.

SECT. 3. *And be it further enacted,* That it shall be the duty of the Inferior Courts of Hall and Gwinnett counties to employ a fit and proper person to run said line, and the expenses to be equally paid out of the county funds by said counties.

The Inferior Courts of Hall and Gwinnett shall appoint a person to run said line.

SECT. 4. *And be it further enacted,* That all laws militating against this law be, and the same are hereby repealed.

Repealing clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 29th November, 1819.

JOHN CLARK, GOVERNOR.

(No. 164.)

AN ACT

To alter and amend the laws heretofore passed, fixing the site of the public buildings of Laurens county, in the town of Dublin, and more particularly to define the duties of the commissioners thereof.

Commissioners of the court-house and jail of Laurens county appointed. Said commissioners, and those appointed by resolution of the legislature since the act of 1811, establishing the public buildings in Dublin, declared to be successors to those appointed by said act, and their proceedings confirmed.

Said commissioners authorized to sell lots in the town of Dublin;

And required to discharge any sum owing for building or repairing the court-house, &c. out of the proceeds of any sales of lots. The overplus appropriated to the Laurens

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That John G. Underwood, David Blackshear, Neill Munroe, Amos Love, Thomas Moore and Archibald Griffin, commissioners for the time being, and John Guyton, hereby appointed in the place of Noah Stringer, also George W. Welsh and Lunsford C. Pitts, hereby added, be; and they are hereby declared to be commissioners of the court-house and jail of said county; and that they, and those appointed by resolutions of the General Assembly, since the passing of an act to make permanent the site of the public buildings in the town of Dublin, county of Laurens, on the thirteenth December, eighteen hundred and eleven, be, and they are hereby declared to be successors to those appointed by said act; and whatever may have been done by them, or either of them, in pursuance of the duties assigned the original commissioners by said act, be held as good and valid in law, as if the same had been done by the said original commissioners.

SECT. 2. *And be it further enacted,* That the said commissioners for the time being, or a majority of them, or their successors in office, shall have full power and authority to sell and dispose of any number of lots in the town of Dublin, belonging to said county, in such manner as will in their opinion be most conducive to the interest of the county, giving at least twenty days notice of the time and place of such sale, in three or more public places of the county, and in all cases taking special care to secure the purchase money.

SECT. 3. *And be it further enacted,* That the said commissioners, or a majority of them, or their successors in office, are hereby authorized and required to pay off and discharge any sum that may be owing for the building or repairing the court-house and jail in said county, out of any monies which may have arisen, or which may hereafter arise from the sale of the said lots; and any balance which may be found remaining on account of such sales, shall be paid over by said commissioners to the trustees of the Laurens county academy, and become a part of the funds of that institution.

SECT. 4. *And be it further enacted,* That it shall be the duty of the commissioners (No. 164.) aforesaid to lay off a lot of four acres of ground in some suitable situation on the public lands, and convey the same to the trustees of the Laurens county academy, on which to erect an academy, and such other buildings as may be necessary for that institution.

A lot to be laid off and conveyed to the trustees of said academy, &c.

SECT. 5. *And be it further enacted,* That it shall be the duty of the said commissioners to cause a fair and correct plan of the said town of Dublin to be made, and recorded in the surveyor general's office; also to cause to be made, as far as practicable, a correct account of the sales heretofore made, and to keep a correct account of the sales hereafter made by them, designating each lot by the number, and carry out the amount for which it sold, including the name of the purchaser, and have the same entered into a record book to be provided for that purpose; also to keep fair and regular minutes of their proceedings, and an account of the expenditures and disposition made of any and all funds which may come into their hands by virtue of any sale of the said lots.

A plan of said town of Dublin to be recorded in the surveyor general's office.

An account of sales required.

Said commissioners to keep minutes of their proceedings, accounts of their expenditures, &c.

SECT. 6. *And be it further enacted,* That in case any of the commissioners for the time being, or their successors in office, who may now or hereafter be indebted for, or on account of said town lots, either as principal or otherwise, and the sum or sums owing by him or them being due, and they or either of them being notified and required to pay the same by any one or more of the commissioners not so indebted, and shall fail to satisfy and pay the amount due by him or them within two months from the time of such notice, he or they so offending are hereby declared to be no longer commissioners; and the remaining commissioners shall be authorized to sue for and collect the amount due and owing by him or them in any court having competent jurisdiction thereof.

Any commissioner who is or may become indebted on account of town lots, and being notified and required to pay the same by any one or more of the commissioners not indebted, and failing to pay the same within a cer-

tain time, shall be no longer commissioner; and the amount due shall be sued for by the remaining commissioners.

SECT. 7. *And be it further enacted,* That all laws and parts of laws heretofore passed militating against this act be, and the same are hereby repealed.

Repealing clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

H h

(No. 165.)

AN ACT

To add a part of the county of Appling to the county of Telfair.

A part of
Appling coun-
ty added to
Telfair.

BE it enacted by the Senate and House of Representatives of the st te of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act all that part of the county of Appling known and distinguished in the plan of said county by district No. 1, shall be, and the same is hereby declared to be, a part of the county of Telfair.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

Pr sident of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 166.)

AN ACT

To repeal the fourth and tenth sections of an act passed the 19th December, 1818, organizing the counties of Walton, Gwinnett, Hall and Habersham, and to authorize the justices of the Inferior Courts of the counties of Walton, Gwinnett and Habersham to appoint temporary places of holding courts and elections in said counties.

The fourth
and tenth sec-
tions of the
recited act
repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the fourth and tenth sections of an act, passed on the nineteenth of December, eighteen hundred and eighteen, organizing the counties of Walton, Gwinnett, Hall and Habersham, be, and the same are hereby repealed, as fully and effectually as though the same had never been passed, any law to the contrary notwithstanding.*

The justices
of the Inferior
Courts of
Walton, Gwin-
nett and

SECT. 2. *And be it further enacted by the authority aforesaid, That the justices of the Inferior Courts, or their successors in office, or a majority of them, in the counties of Walton, Gwinnett and Habersham, be, and they are hereby authorized to appoint*

some fit and proper place, as near the centre of their respective counties, as may be practicable, and have erected such temporary buildings as they may think suitable, for the purposes of holding courts and elections in, and pay for the same out of the county funds. (No. 166.)

Habersham
authorized to
appoint fit
places, and
erect temporary buildings for holding courts.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when said justices shall make such appointments, it shall be lawful that all suits and recognizances be made returnable to the same; and that the sheriffs and their deputies in the above recited counties, shall summon all jurors and witnesses who may be subpoenaed to attend the courts in said counties, at the place so appointed in term time.

Suits, &c. re-
turnable to
said places.
Duty of the
sheriffs, &c. in
summoning
jurors, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all elections for members to Congress and members of the General Assembly, justices of the Inferior Courts, and all county officers, shall be held at and in the places so appointed.

Elections,
where held.

SECT. 5. *And be it further enacted by the authority aforesaid,* That this act shall not be so construed as to authorize the before recited justices to make any of the places so appointed permanent, until the land in said counties is drawn for, and the centre of each county properly ascertained and defined.

Places ap-
pointed as
aforesaid not
to be perma-
nent.

SECT. 6. *And be it further enacted by the authority aforesaid,* That this act shall repeal all laws or parts of laws militating against the same, any law to the contrary notwithstanding.

Repealing
clause.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 167.)

AN ACT

**To organize the counties of Early, Irwin and Appling.*

Elections for justices of the Inferior Courts for the counties of Early, Irwin and Appling regulated.

Returns of said elections.

Continuance in office.

Commissioners of elections for the county of Early.

For the county of Irwin.

For the county of Appling.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of any three or more of the commissioners herein after named, not being themselves candidates, in each of the counties aforesaid, to advertise and superintend an election for five justices of the Inferior Courts for each of the aforesaid counties, giving at least fifteen days notice when said elections shall be held, at the places pointed out by this act for holding the Superior Courts in said counties, until a permanent place is fixed on; and the said commissioners shall certify, from under their hands, to his excellency the Governor the five persons having the highest number of votes, who shall be commissioned by the Governor, and hold their offices until the next general election for justices of the Inferior Courts throughout this state, unless their offices shall sooner become vacant by the laws of this state; and that the following persons be, and they are hereby appointed commissioners for superintending said elections in the counties aforesaid, to wit: for the county of Early, Alexander Watson, Robert Jackson, John Brockman, Richard Grimsley, John McRea, Alsey Harriss, Thomas Harvey, Hartwell Tarver, Thomas Carter and Isaac Ledbetter: for the county of Irwin, John Lutton, junr., John Lutton, senr., Joshua Calloway, Willis King, Samuel Boyd, Ludd Mobley, David Williams, Redding Hunter, Burrell Bailey and Greene Graham: and for the county of Appling, John Johnston, William Tomlinson, Frederick Carson, Philemon Bryant, Joseph Dayal, Eli Bassett, John Austin, Joseph Jenkins, Jesse Measles and Richard Walker.*

Justices of the Inferior Courts of said counties made commissioners of the court-houses and jails thereof.

Their powers as such.

Proviso.

SECT. 2. *And be it further enacted, That the justices of the Inferior Courts of the counties aforesaid, when commissioned as aforesaid, are hereby appointed commissioners of the court-houses and jails of their respective counties; and they are hereby vested with full power and authority to fix on the site for the public buildings in their said counties, which shall be as near the centre thereof as convenience will admit, at which places the courts and general elections shall be held as soon as suitable buildings are erected; and they, or a majority of them, are hereby authorized to purchase as much land as they may deem sufficient to erect said buildings: *Provided nevertheless*, they shall not purchase more than one lot for the use of any one county; and they are hereby authorized to lay off any portion of said land, purchased as aforesaid, in town lots, and*

* For the boundary lines, &c. of these counties, see title "Lands," act of 1818, No. 318.

dispose of the same for the use of the county, and to contract with any person or persons (No. 167.) for building a court-house and jail in the aforesaid counties.

SECT. 3. *And be it further enacted*, That as soon as the justices of the Inferior Courts of the counties aforesaid shall lay off the military districts in their respective counties, agreeable to the provisions of this act, they, or any two of them, shall advertise and superintend an election in each captain's district, for two justices of the peace in each captain's district, giving fifteen days notice thereof, who shall be commissioned by the Governor, and remain in office until the next general election for justices of the peace throughout this state, unless their offices shall sooner become vacant by the laws of this state.

Elections for justices of the peace regulated.

SECT. 4. *And be it further enacted*, That the justices of the Inferior Courts of the counties aforesaid, or a majority of them, are hereby authorized and required to advertise at least fifteen days, at three or more public places in the county, and hold elections in the counties aforesaid respectively, for clerks of the Superior and Inferior Courts, sheriffs, coroners, tax collectors, receivers of returns of taxable property, and county surveyors, which said elections shall be held at the places herein after named, until the commissioners aforesaid fix permanently on the site of the public buildings respectively.

Elections for clerks, sheriffs, and other county officers regulated.

SECT. 5. *And be it further enacted*, Until suitable court-houses are erected, the Superior and Inferior Courts for the county of Early shall be held at Richard Grimsley's, in the 28th district; in the county of Irwin, at David Williams's; and in the county of Appling, at John Johnston's.

Temporary places for holding courts.

SECT. 6. *And be it further enacted*, That it shall be the duty of his excellency the Governor to commission all officers, civil and military, in the counties aforesaid, who may hereafter be elected, agreeable to the provisions of this act.

The Governor required to commission all officers hereafter elected.

SECT. 7. *And be it further enacted*, That as soon as the justices of the Inferior Courts in the counties aforesaid are commissioned and qualified, they shall proceed to select grand and petit jurors for said counties respectively, agreeable to the laws now in force in this state, regulating the drawing of jurors.

Grand and petit jurors, how selected, &c.

SECT. 8. *And be it further enacted*, That the justices of the Inferior Courts of the counties aforesaid, shall have full power and authority to lay off the said counties respectively, into as many captains' districts as they, in their discretion, may think proper; and whenever said districts shall be so laid off and defined, and the justices of the peace are elected and commissioned, agreeably to the provisions of this act, it shall be the duty of said justices of the peace so as aforesaid elected and commissioned in their

Said counties to be laid off into captains' districts.

Elections for captains and subaltern officers regulated.

(No. 167.) respective districts, to advertise the elections of captains and subaltern officers, as required by the militia laws in force in this state; and the said elections to be superintended and certified agreeable to the provisions of said laws.

Elections for
field officers
regulated.

SECT. 9. *And be it further enacted*, That whenever the officers in each captain's district in said counties are elected and commissioned agreeable to the provisions of this act, it shall be the duty of the justices of the Inferior Courts of the counties aforesaid to advertise the elections of the field officers of each county, giving twenty days notice, and it shall be the duty of the justices of the peace, or any two of them, in said counties, to superintend said elections, and certify the same as required by the militia laws in force in this state.

Militia of said
counties at-
tached to the
2d brigade of
the 5th divi-
sion.

SECT. 10. *And be it further enacted*, That whenever the militia of the aforesaid counties are organized agreeable to the provisions of this act, they shall be attached to the fifth division, and the second brigade of said division.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 168.)

More effectually to define the line dividing the counties of Franklin and Habersham, from Tugalo river to Tate's bridge on Broad river.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, that part of the line which divides the counties of Franklin and Habersham, from Tugalo river to Tate's bridge on Broad river, shall begin on Tugalo river at the mouth of Walton's creek, and run a direct line to the bridge above named, which line shall be run under the superintendence of two justices of the peace, one from each county, in the adjoining districts, by a fit and proper person whom they may appoint, who shall run and plainly mark the same; and the expense for running said line shall be equally discharged out of the county funds, by the commissioners certifying that the person so appointed has run and marked the line as above contemplated.

The dividing line between the counties of Franklin and Habersham defined. The running thereof provided for.

SECT. 2. *And be it further enacted,* That this law shall repeal all laws or parts of laws militating against the same; any law to the contrary notwithstanding.

Repealing clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

(No. 169.)

AN ACT

To add a part of Elbert and Franklin counties to the county of Madison.

A part of Elbert and Franklin counties added to Madison county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, all that part of Elbert and Franklin counties which would be included by a line commencing on the north bank of the North Broad river, at the upper end of the Scull Shoal on said river, and running a straight line to the dividing ridge between the two first forks of Shoal creek, so as to leave James Dudley's and David Staple's plantations or places of residence in the county of Elbert; thence up said dividing ridge to Elias Hendrick's, so as to include said Hendrick's plantation; thence a straight line to William Brown's old place, at the cross roads on the Franklin county line; thence to the mouth of Hudson's fork of said North Broad river; thence down said North Broad river, including William Redwine's plantation, to the place of beginning, shall be added to, and become a part of the county of Madison.

County surveyor of Madison required to run the necessary lines.

SECT. 2. *And be it further enacted,* That the county surveyor of the county of Madison be, and he is hereby directed and required to run and plainly mark the lines herein contemplated, and that the said surveyor be paid for such service out of the county funds of Madison, by the Inferior Court, a reasonable compensation.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 170.)

*To organize the county of Rabun.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of any three or more of the commissioners herein after named, not being themselves candidates in the county aforesaid, to advertise and superintend an election for five justices of the Inferior Court for the county aforesaid, giving at least fifteen days notice where said election shall be held, at the place pointed out by this act for holding the Superior and Inferior Courts in said county, until a permanent place is fixed; and the said commissioners shall certify, from under their hands, to his excellency the Governor, the five persons having the highest number of votes, who shall be commissioned by the Governor, and hold their offices until the next general election for justices of the Inferior Courts throughout this state, unless their offices shall sooner become vacant by the laws of this state; and that the following persons be, and they are hereby appointed commissioners for superintending said elections in the county aforesaid, viz. Cleveland Coffee, Joseph Jones, Chesly McKinsey, Willis Gilly, Ralph Cobb, James Jones, William Jones, Shadrick Morriss and John White.

Election of justices of the Inferior Court of the county of Rabun regulated.

Commissioners appointed to superintend said election.

SECT. 2. *And be it further enacted,* That the justices of the Inferior Court of the county aforesaid, when commissioned as aforesaid, are hereby appointed commissioners of the court-house and jail of said county, and they are hereby vested with full power and authority to fix on the site for the public buildings in said county, which shall be as near the centre thereof as conveniency will admit, at which place the courts and general elections shall be held, as soon as suitable buildings are erected; and they, or a majority of them, are hereby authorized to purchase as much land as they may deem sufficient to erect said buildings: *Provided nevertheless,* they shall not purchase more than one lot for the use of said county; and they are hereby authorized to lay off any portion of said land, purchased as aforesaid, into town lots, reserving a sufficient square for a court-house and jail in said county, and dispose of the same for the use of the county, and to contract with any person or persons for building a court-house and jail in the aforesaid county.

Justices of the Inferior Court of said county made commissioners of the court-house and jail. Their powers as such.

Proviso.

SECT. 3. *And be it further enacted,* That as soon as the justices of the Inferior Court of the county aforesaid shall lay off the military districts in the aforesaid county, agreea-

Elections for justices of the peace regulated.

* See title "Lands," act of 1819, No. 322, by which this county is laid out.

(No. 170.) ble to the provisions of this act, they, or any two of them, shall advertise and superintend an election, in each captain's district, for two justices of the peace in each captain's district, giving fifteen days notice thereof, who shall be commissioned by the Governor, and remain in office until the next general election for justices of the peace throughout this state, unless their offices shall sooner become vacant by the laws of this state.

Election for clerks, sheriffs, and other county officers, regulated.

SECT. 4. *And be it further enacted*, That the justices of the Inferior Court of the county aforesaid, or a majority of them, are hereby authorized and required to advertise at least fifteen days, at three or more public places in the county, and hold elections in the county aforesaid for clerks of the Superior and Inferior courts, sheriff, coroner, tax collector, receiver of tax returns and county surveyor, which said elections shall be held at the place herein after named, until the commissioners fix permanently on a site for the public buildings aforesaid.

Temporary place of holding courts and elections.

SECT. 5. *And be it further enacted*, That until a suitable court-house is erected the Superior and Inferior Courts, and elections for the county aforesaid, shall be held at the house where Daniel Love now lives.

Governor required to commission all officers hereafter elected, &c.

SECT. 6. *And be it further enacted*, That it shall be the duty of his excellency the Governor to commission all officers, civil and military, in the county aforesaid, who may be hereafter elected agreeable to the provisions of this act.

Grand and petit jurors, how selected.

SECT. 7. *And be it further enacted*, That as soon as the justices of the Inferior Court in the county aforesaid are commissioned and qualified, that they shall proceed to select grand and petit jurors for said county, agreeable to the laws now in force in this state regulating the drawing of jurors.

Said county to be divided into captains' districts.

SECT. 8. *And be it further enacted*, That the justices of the Inferior Court of the county aforesaid shall have full power and authority to lay off the county into as many captain's districts as they in their discretion may think proper: and whenever said districts shall be so laid off and defined, and the justices of the peace are elected and commissioned agreeable to the provisions of this act, it shall be the duty of said justices of the peace, so as aforesaid elected and commissioned in their respective districts, to advertise the elections of captains and subaltern officers as required by the militia laws in force in this state, and the said elections to be superintended and certified agreeable to the provisions of said militia laws.

Elections for captains and subaltern officers regulated

Election of field officers regulated.

SECT. 9. *And be it further enacted*, That whenever the officers in each captain's district in said county are elected and commissioned, agreeable to the provisions of this act, it shall be the duty of the justices of the Inferior Court of the county aforesaid to

advertise the election for the field officers of said county, giving twenty days notice (No. 170.) thereof, and it shall be the duty of the justices of the peace, or any two of them in said county, to superintend said elections, and certify the same as required by the militia laws of this state.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

DEBT, OUTSTANDING EVIDENCES OF.

1811.

(No. 171.)

AN ACT

For the relief of Benjamin Scott, a soldier in the late state troop.

Comptroller
general autho-
rized to issue
a state troop
bounty war-
rant in the
name of Ben-
jamin Scott.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the comptroller general to issue, in the name of Benjamin Scott, a state troop bounty warrant for six hundred and forty acres of land, for his services as a private in the late state troops, agreeable to an act for the calling in the outstanding evidences of debts due from this state, and for issuing new ones in lieu thereof, under proper checks and restrictions, passed the second day of February, one thousand seven hundred and ninety-eight.

The assignees
of said Scott
authorized to
receive it, on
giving securi-
ty, &c.

SECT. 2. *And be it further enacted,* That the assignees of Benjamin Scott be authorized to receive the same, on giving good and sufficient security to his excellency the Governor to indemnify the state against the lost certificate.

Repealing
clause.

SECT. 3. *And be it further enacted,* That so much of an act, further explaining and defining the powers of the comptroller general, as militates against this act, be, and the same is hereby repealed.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 172.)

To amend an act, entitled An act to appropriate the funds heretofore set apart for the redemption of the public debt, passed the second day of December, one thousand eight hundred and eight.

WHEREAS, by the second section of the aforesaid act, passed the second day of Preamble. December, eighteen hundred and eight, the sum of fifty-five thousand dollars of the money arising from payments on the bonds for fractional surveys, which were created out of the late cession of land obtained from the Creek Nation by the United States, in a treaty concluded at the city of Washington, the fourteenth of November, eighteen hundred and five, should be set apart and appropriated annually and every year, for the redemption of the outstanding evidences of the debt of this state, and that his excellency the Governor for the time being should draw in favour of such evidences of debt, reduced in manner as is in said act directed: *Provided*, such sum should be annually received at the treasury on account of such fractional bonds: And whereas, it appears that such sum in money is not annually received at the treasury, and the objects of said law are thereby defeated:

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That his excellency the Governor for the time being shall be, and is hereby authorized to issue to the holder or holders of certificates of any of the denominations mentioned in the before recited act, reduced as is therein directed, a warrant on the treasury for the amount of his, her or their claim, payable out of any money arising from payments made to the treasury for the aforesaid fractional surveys, without any regard to the amount which may be in the treasury on account of that fund: Provided, the same amounts to the claim in whose favour he may draw.

The governor authorized to issue to the holders of certain public certificates warrants on the treasury, payable out of any money arising from fractional surveys.

Proviso.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 173.)

AN ACT

For the relief of Bozeman Adare, a state troop soldier.

Comptroller
general autho-
rized to issue,
in the name
of Bozeman
Adare, a boun-
ty warrant.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That it shall and may be lawful for the comptroller general to issue, in the name of Bozeman Adare, a state troop bounty warrant for six hundred and forty acres of land, for his services as a private soldier in the late state troops, agreeable to an act for the calling in the outstanding evidence of debt due from this state, and for issuing new ones in lieu thereof, under proper checks and restrictions, passed the second day of February, one thousand seven hundred and ninety-eight, any law to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 174.)

To renew a certain bounty warrant therein named.

WHEREAS, Samuel Hester has petitioned this legislature to renew a certain bounty warrant in the name of Aaron Gust, and the same appearing reasonable and just: Preamble.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the comptroller general be, and he is hereby required to take in the outstanding evidence of the claim of the said Aaron Gust, and issue a new one in lieu thereof: *Provided*, the said Samuel Hester shall give bond and security to his excellency the Governor that the said bounty warrant is genuine, and indemnify the state against any future claim on account thereof.

Comptroller
general au-
thorized to
issue a new
bounty war-
rant in the
name of
Aaron Gust, in
lieu of an old
one.

Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

DEBTORS, INSOLVENT.

1818.

(No. 175.)

AN ACT

To prevent assignments or transfers of property to a portion of creditors, to the exclusion and injury of the other creditors, of persons who may fail in trade, or who are indebted at the time of such assignment or transfer.

Preamble.

WHEREAS, a practice of selecting particular creditors, by assignments and transfers of property, made by persons indebted, and thereby excluding or defrauding other bona fide creditors of their just claims on the estate of insolvent debtors, is contrary to the first principles of equity and justice ; to prevent the mischief whereof,

Conveyances, &c. in trust by insolvent debtors, by which any creditor is excluded from an equal participation in the estate conveyed, declared null and void.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That any person or persons unable to pay his, her or their debts, who shall at any time hereafter make any assignment or transfer of real or personal property, stock in trade, debts, dues or demands, in trust to any person or persons, in satisfaction or payment of any debt or demand, or in part thereof, for the use and benefit of his, her or their creditor or creditors, or for the use and benefit of any other person or persons, by which any creditor or creditors of the said debtor shall or may be excluded from an equal share or portion of the estate so assigned or transferred, such assignment, transfer, deed or conveyance shall be null and void, and considered in law and equity as fraudulent against creditors: Provided nevertheless, that nothing contained in this act shall prevent any person or persons in debt from bona fide and absolutely selling and disposing of any part or the whole of his, her or their estate, so the same be free from any trust for the benefit of the seller, or any person or persons appointed by him, her or them.

Proviso.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 176.)

To alter and amend an act, entitled An act to authorize justices of the Inferior Courts of this state to discharge Insolvent Debtors, confined by process, from any court of this state, passed 13th December, 1809, so far as relates to the county of Chatham.

WHEREAS, the benevolent intention of legislatures are frequently prevented from being carried into effect, in consequence of the absence of several of the justices of the Inferior Court in the county of Chatham, at different periods; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted,* That immediately from and after the passage of this act, that in all cases between the first of June and the first of November, where application is made for the benefit of the insolvent act of this state, it shall be, and is hereby declared to be, lawful for one or more of the justices of the Inferior Court in the county of Chatham, to admit said applicant to take the benefit of said act, unless on a suggestion of fraud; then, and in that case, he shall remand said applicant to prison, and draw a jury to try the same, agreeable to the laws now in force in this state on that subject.

One or more justices of the Inferior Court of Chatham county may admit applicants to take the benefit of the insolvent acts, between the 1st June and 1st November, unless there be a suggestion of fraud, &c. Repealing clause.

SECT. 2. *And be it further enacted,* That all laws militating against the provisions of this act, so far as relates to the county of Chatham, be, and the same are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

DIGEST OF THE LAWS.

1819.

(No. 177.)

AN ACT

Prescribing the form of a Digest or Manual of the laws of Georgia.

A digest of the general laws of the state authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That during the year eighteen hundred and twenty, a digest of the laws of this state shall be formed and arranged, which shall include all acts and resolutions of the legislature heretofore passed, and which may be passed during the present session, which are public and general, and excluding such as are private or local, and also such as have been repealed.

An appendix to be annexed, containing the constitution of the U. States, and of the state, the statute of frauds, &c.

SECT. 2. *And be it further enacted,* That to said digest shall be added an appendix, which shall contain the constitution of the United States and of the state of Georgia as amended; the statute of frauds and perjuries, passed in the twenty-ninth year of the reign of Charles the second; also all acts relating to writs of habeas corpus.

A person to be appointed who shall arrange said digest, which shall be reported to the Governor, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the legislature shall, by joint ballot, appoint some fit and proper person to form and arrange a digest in pursuance of this act, who shall report the same to his excellency the Governor, who, after the same has been examined by a committee appointed for that purpose, shall approve or disapprove the same: and when the work shall be so performed, and approved by the Governor, he shall pay out of the contingent fund, to the person appointed as aforesaid, a sum which he may deem an adequate compensation for the work.

SECT. 4. *And be it further enacted,* That three fit and proper persons shall be appointed by the Governor to examine said work, and on their favourable report he shall be authorized to contract for the printing of three thousand copies in convenient bound volumes, a part to be distributed pursuant to an act of the legislature, passed 12th of December, eighteen hundred and nine, and the remainder reserved for future disposition of the legislature.

(No. 177.)

A committee to be appointed by the Governor to examine it.

The printing and distribution thereof provided for.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

DIVORCES.

1811.

(No. 178.)

AN ACT

To divorce Levi Bright and Sarah his wife.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act the matrimonial connection, or civil contract of marriage, made between Levi Bright and Sarah his wife, late Sarah Smith, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between them.*

SECT. 2. *And be it further enacted by the authority aforesaid, That the said Levi Bright and Sarah his wife, late Sarah Smith, shall in future be held as separate and distinct persons, altogether unconnected by any mystical union or civil contract whatsoever, at any time heretofore made or entered into between them.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 3d December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 179.)

To divorce John Strark and Nancy his wife.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act the matrimonial connection, or civil contract of marriage, made between John Strark and Nancy his wife, late Nancy Fitzpatrick, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between them.

John Strark
and his wife
Nancy divorced.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said John Strark and Nancy his wife, late Nancy Fitzpatrick, shall in future be held as separate and distinct persons, altogether unconnected by any mystical union or civil contract whatsoever, at any time heretofore made or entered into between them.

Shall be held
as separate
and distinct
persons, &c.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 4th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 180.)

To divorce and separate Nathaniel Harper and Mary his wife.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act the matrimonial connection, or civil contract of marriage, made between Nathaniel Harper and Mary his wife, late Mary Hubert, shall be completely annulled; set aside and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between them.

Nathaniel
Harper and
Mary his wife
divorced.

(No. 180.)

Shall be held
as separate
and distinct
persons.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said Nathaniel Harper and Mary his wife, late Mary Hubert, shall in future be held as separate and distinct persons, altogether unconnected by any mystical union or civil contract of marriage whatsoever, at any time heretofore made or entered into between them.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 181.)

AN ACT

To divorce and separate John T. Patterson and Sarah his wife.

John T. Pat-
terson and his
wife Sarah di-
vorced.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act the matrimonial connection, or civil contract of marriage, made between John T. Patterson and Sarah his wife, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between them.*

Shall be held
as separate
and distinct
persons.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said John T. Patterson and Sarah his wife, shall in future be held as separate and distinct persons, altogether unconnected by any mystical union or civil contract whatsoever, at any time heretofore made or entered into between them.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 182.)

To divorce and separate John Powell and Rachel his wife, formerly Rachel Keener.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, that the matrimonial connection, or civil contract of marriage, made between John Powell and Rachel his wife, formerly Rachel Keener, shall be completely annulled, set aside and dissolved, as fully and effectually, to all intents and purposes, as if no such contract had ever heretofore been made and entered into between them.

John Powell
and Rachel his
wife divorced.

SECT. 2. *And be it further enacted,* That all property, real and personal, not by him or her sold or otherwise disposed of, which the said John Powell received with or acquired by, or in virtue of his union or marriage with the said Rachel, or which may hereafter descend to her, or which she may acquire by her own industry, is hereby declared to be completely, fully and absolutely, to all legal intents, vested in and confirmed unto her the said Rachel, her heirs and assigns for ever: *Provided,* that nothing herein contained shall be so construed as to exonerate the said property from the payment of all debts contracted by the said John, prior to the passing of this act.

The property
which said
Powell received
by his wife
vested in her,
&c.

Proviso.

SECT. 3. *And be it further enacted,* That the said John Powell and Rachel in future shall be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever, at any time made or heretofore entered into between them.

Said Powell
and Rachel
deemed separate
and distinct
persons.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 183.)

AN ACT

To divorce and separate John Womack and Mary his wife.

John Womack and Mary his wife divorced.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act the matrimonial connection, or civil contract of marriage, made between the said John Womack and Mary his wife, formerly Mary Hudson, shall be completely annulled, set aside and absolved, as fully and effectually, to all intents and purposes, as if no such contract had ever been made between them.

Shall be deemed separate and distinct persons.

SECT. 2. *And be it further enacted,* That the said John Womack and Mary shall in future be deemed and considered as separate and distinct persons, altogether unconnected by any mystical union or civil contract whatever, at any time made or heretofore entered into between them.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 16th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 184.)

To divorce Alexander Fluellen and Kizziah his wife.

WHEREAS, the aforesaid Alexander Fluellen, according to an act of the General Preamble. Assembly, passed on the fifth day of December, eighteen hundred and six, commenced an action in the Superior Court of Putnam county, against his said wife Kizziah, for a divorce; and whereas, at March term, eighteen hundred and twelve, of said court, the said cause was tried by a special jury, who rendered into court a verdict for an absolute divorce:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the matrimonial connection and civil contract of matrimony, made between the aforesaid Alexander Fluellen and Kizziah his wife, late Kizziah Peoples, shall be completely annulled and set aside, and dissolved, as fully and effectually as if no such contract had been made and entered into between them.

Alexander
Fluellen and
his wife Kiz-
ziah divorced.

SECT. 2. *And be it further enacted,* That the said Kizziah Fluellen, late Kizziah Peoples, is hereby declared to be a *feme sole*, and the said Alexander Fluellen shall not in future be bound, on any pretence whatever, for the payment of any debts, dues, or demands of the said Kizziah, on or for her contracting, or with any actions of or for damages, for or by reason of any tort, trespass or damages whatever, hereafter to be committed by the aforesaid Kizziah Fluellen, late Kizziah Peoples.

The said Kiz-
ziah declared
a feme sole.
Said Alexan-
der not bound
for her con-
tracts, &c.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

JARED IRWIN,

President of the Senate, pro tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

(No. 185.)

AN ACT

To divorce Elizabeth O'Reily and John O'Reily her husband, and to secure certain property to the said Elizabeth, her heirs and assigns, and to divorce Rachel Jones and Robert Jones her husband.

Preamble.

WHEREAS, it appears, by an exemplification of a record from the honourable the Superior Court of the county of Richmond, that sufficient reasons were offered before a special jury of that county to induce them to find a verdict for a total divorce between Elizabeth O'Reily and her husband John O'Reily; and whereas, the said Elizabeth hath, by her humble petition, prayed that the said verdict may be confirmed by an act of the General Assembly of this state, and that certain property which she has acquired by her honest industry may be secured to her and her heirs :

John O'Reily
and his wife
Elizabeth di-
vorced.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the matrimonial connection existing between Elizabeth O'Reily of the city of Augusta, and John O'Reily her husband, be thenceforth dissolved as fully, completely and entirely, to all intents and purposes, so far as respects the said Elizabeth, as if the same had never been entered into, and the said Elizabeth shall thenceforth be considered as a feme sole.

Certain pro-
perty vested
in said Eliza-
beth.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the property, real and personal, which the said Elizabeth O'Reily hath acquired since the separation of her said husband from her, particularly a house and lot on Broad street, in the city of Augusta, adjoining John Mann, Esq. and the heirs of Baxter Pool, deceased, and nine negroes, namely, Ben, Friday, Nahn, Bett, Let, Jenny, Maria, Fan and her child Bet, be, and the same is hereby declared to be, vested in the said Elizabeth O'Reily, her heirs and assigns, free and clear from all claim or claims of her said husband John O'Reily: *Provided nevertheless,* That nothing herein contained shall operate to defeat, or in the slightest manner to impair the claim of any other person or persons to the property herein before mentioned.

Proviso.

Preamble to
sec. 3d.

And whereas, it appears, by an exemplification from the record of the Superior Court of the county of Columbia, that sufficient cause was shown to a special jury of that

county, to induce them to authorize a total divorce, on legal principles, in a case then (No. 185.) and there submitted to them, in which Rachel Jones was plaintiff and Robert Jones defendant, in a libel for divorce; and whereas, it is the sincere and earnest request of said Rachel Jones, as expressed by frequent petitions to the legislature, that the said judgment be carried into effect, and confirmed by the legislature:

SECT. 3. *Be it therefore further enacted by the authority aforesaid,* That from and immediately after the passing of this act, the matrimonial connection between the said Rachel Jones and Robert Jones her husband, be thenceforth dissolved, as fully, completely and entirely, to all intents and purposes, as respects the said Rachel, as if the same had never been entered into, and the said Rachel shall thenceforth be considered as a feme sole.

Robert Jones
and Rachel
his wife di-
vorced.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 186.)

To divorce and separate John M. Jamison and Polly his wife.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the matrimonial connection or civil contract of marriage made between John M. Jamison and Polly his wife, late Polly Grinage, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had been heretofore made and entered into between them.

John M. Ja-
mison and
Polly his wife
divorced.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said John M. Jamison and Polly Jamison, late Polly Grinage, shall in future be held as separate and

Shall be
deemed sepa-
rate and dis-
tinct persons.

(No. 186.) distinct persons, altogether unconnected by any mystical union or civil contract whatsoever, at any time heretofore made or entered into by them.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

(No. 187.)

AN ACT

To divorce and separate Matthew Shearer and Rebecca his wife.

Matthew
Shearer and
his wife Re-
becca divorc-
ed.

BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the matrimonial connection or civil contract of marriage made between Matthew Shearer and Rebecca his wife, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between them.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 188.)

To divorce Nancy Brown and Solomon Brown her husband, and Samuel Berry and Nancy Berry his wife.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, the matrimonial connection existing between Nancy Brown and Solomon Brown her husband, and Samuel Berry and Nancy Berry his wife, be henceforth dissolved and set aside as fully, completely and entirely, to all intents and purposes, as if the same had never been entered into between them.

Certain persons divorced.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 189.)

To divorce Edmund Warren and Anna his wife.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the matrimonial connection or civil contract of marriage, made between Edmund Warren and Anna his wife, late Anna Black, shall be completely annulled, set aside, and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between them.

Edward Warren and Anna his wife divorced.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 190.)

AN ACT

To divorce and separate Nancy Jones and Thomas Jones her husband.

Nancy Jones
and Thomas
Jones divorc-
ed.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the matrimonial connection or civil contract of marriage, made between the said Nancy Jones and Thomas Jones her husband, both formerly of the county of Wilkes, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever been made or entered into between them.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 26th November, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 191.)

AN ACT

To divorce certain persons therein named.

Certain per-
sons divorced.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the civil contracts of matrimony made between Thomas Rodman and Ann his wife, William Chauvin and Ann his wife, Matthew Wood and Mourning his wife, James H. Perdue and Catharine his wife, John Battle and Sarah his wife, Thomas Mills and Sarah his wife, Lucy Cook and James Cook her husband, Susannah Terry and David Terry her husband, John Douglass and Jane his wife, Abihu Sewell and Sarah his wife, Polly Martin and Joseph John Martin her husband, Polly Royston and John Royston her husband, Rebecca Brady and John Brady her husband, Edmund Jeter and Lucy his wife, Walker Hickman and Martha his wife, Lucy Howard and Martin Howard her husband, Patience Patterson and John D. Pat-*

terson her husband, Matthew Drake Brizzel and Polly his wife, William Pinder and (No. 191.) Rebecca Ann his wife, Clevis Andrews and Elizabeth his wife, and Benjamin Head and Margaret his wife, shall, and are hereby declared to be as completely dissolved and annulled, as if no such contracts had been made and entered into between any of the aforesaid parties: *Provided nevertheless*, that nothing herein contained shall authorize, or be so construed as to authorize any or either of the offending persons named in this act again to intermarry with any other person. Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That all the property, real and personal, that was brought into the family of either of the aforesaid female parties at the time of marriage, or did accrue in consequence of any such intermarriage, not already disposed of, shall, on the passage of this act, revert to and become the property separately of each and every of the said several women herein contained. Property of the said several women confirmed unto them.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 192.)

To divorce and separate Jeremiah Pittman and Delany Pittman his wife.

WHEREAS, the ninth section of the third article of the constitution doth authorize divorces on legal principles; and whereas, the said Jeremiah Pittman and Delany Pittman his wife have had a fair trial in the Superior Court of Chatham county, and a verdict given, authorizing an absolute divorce, in consequence of the improper conduct of the said Delany Pittman: Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and immediately after the passing of this act, the matrimonial connection and civil contract of matrimony, made between the aforesaid Jeremiah Pittman and Delany Pittman his wife, shall be completely annulled, set aside and dissolved, as fully and Jeremiah Pittman and his wife divorced.

(No. 192.) effectually as if no such contract had been made and entered into between them: *Provided nevertheless*, that nothing herein contained shall be so construed as to authorize the party or parties offending against or violating the marriage vow, to intermarry again with any other person, during the natural life of the other.

Shall be
deemed sepa-
rate and dis-
tinct persons.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said Jeremiah Pittman and Delany shall in future be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever, at any time heretofore made or entered into between them.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 193.)

AN ACT

To divorce and separate Nancy Thompson (formerly Nancy Clark) and Jesse Thompson her husband.

Nancy Thomp-
son and Jesse
her husband
divorced.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and immediately after the passing of this act, the matrimonial connection or civil contract of marriage made between Nancy Thompson (formerly Nancy Clark) and Jesse Thompson her husband, shall be, and is completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever been made and entered into between them.

Shall be
deemed sepa-
rate and dis-
tinct persons.

SECT. 2. *And be it further enacted*, That the said Nancy Thompson and Jesse Thompson her husband, shall in future be held as separate and distinct persons, altogether

unconnected by any mystical union or civil contract whatsoever, at any time heretofore (No. 193.) made or entered into by or between them.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 194.)

To divorce and separate Tabitha D. Napier and Thomas Napier her husband.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the matrimonial connection, or civil contract of marriage, made between the said Tabitha D. Napier and Thomas Napier her husband, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between the parties aforesaid: *Provided*, that nothing contained in this act shall be so construed as to repeal the third section of an act, entitled An act to amend an act to carry into effect the ninth section of the third article of the constitution.

Thomas Napier and his wife Tabitha divorced.

Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 195.)

AN ACT

To divorce and separate Abner Glore and Nancy Glore (formerly Nancy Swinney) his wife.

Abner Glore
and his wife
Nancy di-
vorced.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act there shall be a divorce between Abner Glore and Nancy Glore (formerly Nancy Swinney) his wife, according to the laws of this state regulating divorces.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 13th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 196.)

AN ACT

To divorce and separate William Whitfield and Jane Whitfield his wife.

William Whit-
field and Jane
his wife
divorced.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act the matrimonial contract entered into by and between the said William Whitfield and Jane Whitfield his wife, shall be and is hereby dissolved and set aside, in conformity to the constitution and laws of said state governing divorces.*

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

ELECTIONS.*

AN ACT

1811.
(No. 197.)

To regulate the future elections of members of Congress in this state.

SECT. 1. *BE it enacted by the General Assembly of Georgia,* That so soon as his excellency the Governor shall obtain the law of Congress fixing the ratio of representatives to be elected for the national legislature, agreeably to the late census, it shall be his duty to issue his proclamation announcing the number of such representatives this state is entitled to.

The Governor required to announce by proclamation the number of congressional representatives this state is entitled to.

SECT. 2. *And be it further enacted,* That the next annual election for members of the state legislature, and every two years thereafter till altered by law, the citizens of this state shall be entitled to elect such a number of representatives to Congress as shall be announced by the Governor's proclamation, agreeably to the foregoing section.

The number so announced shall be elected at the next election for members of the state legislature, &c.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See title "Clerks, &c." act of 1811, No. 81, providing that sheriffs, clerks, county surveyors and coroners, shall be elected on the first Monday in January biennially.

(No. 198.)

AN ACT

To authorize Constables to open and attend Elections in certain cases.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority aforesaid, That from and after the passing of this act it shall be lawful for constables to open and attend all elections which may be held in this state, in cases where a sheriff cannot be obtained to perform said duties.

Constables authorized to open and attend elections when a sheriff cannot be obtained.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 3d December, 1813.

PETER EARLY, GOVERNOR.

(No. 199.)

AN ACT*

To alter so much of an act, entitled An act to regulate the general elections in this state, and appoint the time of the meeting of the General Assembly, so far as the same requires all general elections to be held at the place of holding the Superior Courts.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the elections for senator and representatives in the state legislature, and representatives to Congress, so far as relates to the county of Franklin, be on the day prescribed by the before recited act, and may be held at Carnesville, and at each of the battalion muster-grounds in said county.*

Time and place of holding elections in Franklin county for state and congressional representatives.

* See the act following this.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the general elections as aforesaid, in the county of Jackson, shall be held at the several battalion muster-grounds in said county.* (No. 199.)

In Jackson, said elections shall be held at the several battalion muster grounds; And on the day and in the manner prescribed by the recited act.

SECT. 3. *And be it further enacted,* That all of said elections shall be on the day, and opened and conducted in the same manner, as is prescribed by the before recited act, and the place of the sheriff or deputy sheriff may be supplied by any lawful constable.

SECT. 4. *And be it further enacted,* That it shall be the duty of the magistrates, or at least some one of them who superintend each of the elections in each of the counties aforesaid, to meet at the court-house on the day thereafter, at or before 12 o'clock in the morning, with the ballots taken in at the several elections authorized by this act, sealed up in a box; and it shall be the duty of said magistrates, when so assembled, or any three of them, to open said seals and count out and compare said ballots, and certify to his excellency the Governor the persons so elected, agreeable to the provisions of the before recited act.

Duty of the magistrates superintending said elections.

SECT. 5. *And be it further enacted,* That should any person vote, or attempt to vote, at more than one of the aforesaid places on the same day, he shall be subject to be indicted for a misdemeanor, and on being convicted thereof, he shall be fined in a sum not less than one hundred dollars.

The offence of voting at more than one place on the same day, how punished.

SECT. 6. *And be it further enacted,* That so much of the before recited act, and all other laws repugnant to this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR,

* This section repealed by act of 1819, No. 202.

(No. 200.)

AN ACT

To alter and amend an act, entitled An act to alter so much of an act, entitled An act to regulate the general elections in this state, and appoint the time of the meeting of the General Assembly, so far as the same requires all general elections to be held at the place of holding the Superior Courts.

Time and place of holding elections for a senator and representatives to the state legislature, and members of congress, in Jackson county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the election* for senator and representatives in the state legislature, and representatives to Congress, so far as relates to the county of Jackson, be on the day prescribed by the before recited act, and may be held in Jefferson, and at each of the battalion muster-grounds in said county.

Duty of the justices superintending said elections.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the justices who superintend the elections aforesaid shall, and they are hereby authorized, on the day of election, to count out the ballots by them taken in at the several election grounds, and make a fair statement of the polls, and one or more of the superintenders from each of the election grounds shall meet in Jefferson, on the day thereafter, and compare and add the several returns together, and certify to his excellency the Governor the persons so elected, agreeable to the provisions of the before recited act.

Repealing clause.

SECT. 3. *And be it further enacted,* That so much of the before recited act as militates against this act be, and the same is hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

* See act of 1819, No. 202, repealing this.

AN ACT*

(No. 201.)

To regulate the elections of the county of Glynn, to be held at two several places in said county, and to impose a fine on any person who shall, on the same day, vote at more than one of said places.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the elections in the county of Glynn for representatives to Congress, members of the legislature, justices of the Inferior Court, sheriff, clerks of courts, commissioners of academies, coroner, and all other county elections, shall be held on the days set apart for the same, at the two following places, viz: at the town of Brunswick, and at the muster-ground of the twenty-seventh company district in said county, and shall be opened and conducted as accords with a law already providing for the same; and the place of the sheriff, or his deputy, may be supplied by a constable.

Elections in Glynn county shall be held at Brunswick, and at the muster-ground of the 27th company district in said county.

The sheriff's place may be supplied by a constable.

SECT. 2. *And be it further enacted,* That it shall be the duty of one or more of the magistrates presiding at each election, to meet at the court-house, on the day succeeding, prior to the hour of three o'clock, P. M. with the ballots taken in at the several elections, enclosed in a sealed box, and it shall be the duty of any three or more of said magistrates, when so assembled, to count out and compare said ballots, and proceed to make the disposition already required by law.

Duty of the magistrates presiding at each election.

SECT. 3. *And be it further enacted,* That if any person shall vote at more than one of said places on the same day, he shall forfeit for his misdemeanor the sum of one hundred dollars, to be recovered by information in any court having jurisdiction of the same.

The offence of voting at more than one place on the same day, how punished.

SECT. 4. *Be it further enacted,* That two justices and two freeholders, or a majority of them, shall superintend said election; the justices, or one of them, shall administer the following oath to the two freeholders; I, A. B. do solemnly swear (or affirm) that I will superintend said elections, and make a just and true return of the same, to the best of my knowledge and ability; so help me God.

Who shall preside at such elections.

Oath of the superintending freeholders.

(No. 201.) SECT. 5. *Be it further enacted*, That all law or laws militating against the above Repealing clause. be; and the same are hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 11th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 202.)

AN ACT

To alter and amend an act, entitled An act to alter so much of an act, entitled An act to regulate the general elections in this state, and to appoint the time of the meeting of the General Assembly, so far as requires all general elections to be held at the place of holding the Superior Courts, passed the 18th December, 1816; and to repeal An act to alter and amend an act, entitled An act to alter so much of an act, entitled An act to regulate the general elections in this state, and appoint the time of the meeting of the General Assembly, so far as the same requires all general elections to be held at the place of holding the Superior Courts, passed 27th November, 1817.

So much of the recited acts as requires the general elections to be held at each of the battalion muster-grounds in Jackson county, repealed.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the above recited acts as requires the general elections to be held at each of the battalion muster-grounds in the county of Jackson be, and the same are hereby repealed.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 29th November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 203.)

To repeal an act to regulate the elections of the county of Glynn, to be held at two several places in said county, and to impose a fine on any person who shall on the same day vote at more than one of said places.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the above recited act regulating the elections of the county of Glynn, passed the eleventh day of December, eighteen hundred and seventeen, be, and the same is hereby repealed. The recited act repealed.

SECT. 2. *And be it further enacted,* That the general law governing the general elections for this state is hereby declared to be in full force in said county of Glynn, any law to the contrary notwithstanding. Elections in Glynn county regulated by the general law of the state.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

ENGINEER.

1819.

(No. 204.)

AN ACT

To create the office of Topographical and Civil Engineer in and for this state.

Preamble.

WHEREAS, the legislature of this state hath frequently, since the revolution, passed more or fewer laws, and made greater or smaller appropriations, for opening and improving the navigation of our numerous rivers, without producing thereby, in any commensurate degree, good or benefit to the citizens ; for remedy whereof,

Governor to
appoint a civil
and topogra-
phical engi-
neer.

His continu-
ance in office.
The legisla-
ture to elect
triennially an
engineer
aforesaid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately after the passing of this act it shall be, and is hereby declared to be, the duty of the Governor of this state, to proceed to select, appoint and commission a fit and competent person for topographical and civil engineer of the state of Georgia, which officer, upon his being so appointed, and on his acceptance of such appointment, shall forthwith enter upon the discharge of his duties, and shall continue in office until the tenth day of November, eighteen hundred and twenty; at which time the Senate and House of Representatives shall proceed by joint ballot to elect a topographical and civil engineer of the state of Georgia; and the person elected shall be commissioned by the Governor, and hold his office for and during the term of three years, but may be removed therefrom by the Governor, on the address of each branch of the General Assembly.

His salary to
be established
by law.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said topographical and civil engineer shall have a competent salary, provided and established by law, which said salary shall not be increased or diminished during the period for which he shall have been appointed.

SECT. 3. *And be it further enacted by the authority of the same,* That the duties of (No. 204.)
the said topographical and civil engineer shall consist in surveying the rivers of this Duties of said
state and their important tributary streams ; in exploring the obstructions of the same ; engineer.
reporting the best plans for removing them ; suggesting the practicability and utility of
internal improvement ; in directing the application of such appropriations as the legis-
lature may from time to time make for the purpose of internal improvement, and shall
place under his direction ; in rendering an annual report to the General Assembly, at its
meeting in each year, of his transactions in his department ; and in such other duties as
are usually imposed upon such officers, and as may be imposed upon him from time to
time by law.

DAVID ADAMS,

Speaker of the House of Representatives

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

ESCHEATS.

1816.

(No. 205.)

AN ACT

To explain and amend an act, entitled An act to regulate Escheats in this state, and to appoint escheators, passed the 5th December, 1801.

Preamble.

WHEREAS, the term heirs, in the said act contained, has been so construed as to prevent children, born of the body of the same mother, from being capable of inheriting or transmitting inheritance :

The illegitimate children of any woman dying intestate, and without any children born in lawful wedlock, shall inherit her estate.

The estate of an illegitimate child, dying intestate, how distributable.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That where any woman shall die intestate, leaving children commonly called illegitimate or natural, born out of wedlock, and no children born in lawful wedlock, all such estate whereof she shall die seised or possessed of, whether real or personal, shall descend to, and be equally divided among such illegitimate or natural born children, and their representatives, in the same manner as if they had been born in wedlock ; and if any such illegitimate or natural born child shall die intestate, without leaving any child or children, his or her estate, as well real as personal, shall descend to, and be equally divided among his or her brothers and sisters, born of the body of the same mother, and their representatives, in the same manner, and under the same regulations and restrictions, as if they had been born in lawful wedlock.

SECT. 2. *And be it further enacted*, That all laws or parts of laws militating against (No. 205.)
this act be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 206.)

Prescribing the oaths to be taken by Juries in certain trials, under the several acts to regulate escheats; and to authorize the judges of the Superior Courts to adopt the necessary forms of process, and other proceedings to carry the said acts into effect.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That the oath to be taken by a jury upon an inquest of office, touching escheated property, such as is described in the second section of an act, entitled An act to regulate escheats in this state, and to appoint escheators, passed the fifth day of December, one thousand eight hundred and one, shall be as follows: "You shall true inquest make, touching the escheat of such property as may be given you in charge, and a true verdict give according to evidence; so help you God."

The oath of a jury upon the trial of escheated property.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when any property, returned by the escheator, is claimed by any person or persons, pursuant to the third section of the above recited act, and an issue is made up thereon, the oath to be administered to the jury, upon the trial of such issue, shall be as follows: "You shall well and truly try the issue of escheat between the state of Georgia and ———, and a true verdict give according to evidence; so help you God."

Oath of the jury upon the trial of any claim to property, returned by the escheators.

SECT. 3. *And be it further enacted*, That the judges of the Superior Courts in the several circuits in this state, are hereby authorized and required to devise and adopt the several forms of process, and other proceedings, which may be necessary and proper to

Judges required to adopt the necessary forms, &c. to

(No. 206.) carry into effect the above recited act, and all the several acts or parts of acts amendatory or supplementary thereto.
 carry into effect the acts recited.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.
 MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 207.)

AN ACT

More effectually to provide for the collection of the funds arising from the sales of escheated property within this state, and to apply the same to literary purposes.

Preamble.

WHEREAS, the provision heretofore made for the collection of the funds, arising from the sales of escheated property, has been found inadequate and unproductive:

Monies arising under the escheat laws of this state to be paid over by the escheators to the attorney or solicitors general, at the first term of the Superior Courts in each year.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, it shall be the duty of the attorney and solicitors general, at the first term of the Superior Court in every year, in each and every county in this state, by rule or order of the said Superior Court, to require the escheators, in the said counties respectively to pay into the hands of the said attorney or solicitors general, for the purposes herein mentioned, all such sum or sums of money as may be in the hands of the escheators under the several escheat laws of this state; and in case of a default or refusal by any such escheator, the Superior Courts aforesaid shall have power to punish such escheator in the same manner as if such escheator was a defaulting officer of such court.

The attorney or solicitors general to pay said monies into the treasury.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the attorney or solicitors general, immediately upon the receipt of any sum or sums of money, under and by virtue of this act, to pay the same into the treasury of this state, where the same shall constitute a fund, to be disposed of and distributed in the manner herein provided.

SECT. 3. *And be it further enacted,* That all such sum or sums of money, as may (No. 207.) arise under the several laws of this state, upon the subject of escheats, shall be distributed among the several county academies of this state, which have not received the amount of one thousand pounds, as contemplated by the act of 1792, making provision for the county academies, in such proportions as may yet be due. Said monies appropriated to the use of certain county academies.

SECT. 4. *And be it further enacted,* That all laws and parts of laws militating against this act be, and the same are hereby repealed, except so far as relates to the county of Chatham, where the said funds shall be applied as heretofore. Repealing clause.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

ESTRAYS.

1816.

(No. 208.)

AN ACT

To alter and amend the several Estray laws now in force in this state.

Clerks of the
Inferior
Courts com-
pelled to ad-
vertise estray
horses, &c.
(according to
the descrip-
tion given by
the justice of
the peace be-
fore whom
they have
been posted,) within 10 days
after such de-
scription is re-
ceived.
In what pa-
pers to adver-
tise.
Price of pub-
lication.
Expense of
advertising,
how defrayed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the 1st day of March next, it shall be the duty of the clerks of the Inferior Courts of this state respectively, within ten days after they, or either of them, may have received from any justice of the peace (of the county for which he is the clerk) before whom any estray horse, mare, colt, gelding, filly, ass, or mule, may have been posted in conformity with the estray law now in force in this state, a description of such estrayed horse, mare, colt, gelding, filly, ass, or mule, to advertise such estray or estrays, according to the description thereof, which he may have received as aforesaid, in the Georgia Journal, Augusta Chronicle, or Savannah Republican, and the proprietors of said papers shall receive as compensation for the publication of each astray, the sum of one dollar and fifty cents.

SECT. 2. *And be it further enacted,* That the said clerks respectively shall be authorized to pay, out of the monies arising from the sales of estrays, the expense incurred for such advertisement or advertisements, unless it should happen that the owner or owners of such estray or estrays may prove them or either of them away, previous to sale; then, and in that case, it shall be the duty of such clerk to demand and receive of the owner or owners of such estray or estrays, the full amount of the expenses incurred for such advertisement or advertisements, previous to the delivery of such estray or estrays.

SECT. 3. *And be it further enacted*, That the clerks of the Inferior Courts aforesaid (No. 208.) shall be entitled to the sum of fifty cents, for transmitting the description of said estrays, Clerks' fee. from the owners, if proven away, or from the proceeds of the sale of such estray, if sold.

SECT. 4. *And be it further enacted*, That in all cases where expenses have been incurred, arising under this act by advertising such estray or estrays, it shall be the duty of the said clerks respectively, to remunerate such expense out of the money arising from the sale of such estrays; and it shall be the duty of all such clerks to keep a fair and regular book of entry of all such expenditures, to exhibit to the Inferior Courts of their counties respectively, upon application. Expenses incurred under the act, how defrayed. Clerks to keep a book for entering all expenditures.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, GOVERNOR.

EXECUTORS, ADMINISTRATORS, AND GUARDIANS.

1811.

(No. 209.)

AN ACT*

To alter and amend the twelfth section of an act, entitled An act to protect the estate of Orphans, and to make permanent provision for the Poor.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That it shall and may be lawful for the Inferior Courts in the several counties in this state to order a sale, which shall be at public auction, and on the first Tuesday in the month, at the place of public sales in the said county, first giving sixty days notice thereof in one of the gazettes, and at the door of the court-house in the county where such application shall be made, of such part or the whole of the real estate of every testator or intestate, on the application of the executor or executors, or executrix, administrator or administrators or administratrix, guardian or guardians, where it is made fully and plainly to appear that the same will be for the benefit of the heirs or creditors of such estate: *Provided*, that a notice of such application for sale be first made known in one of the gazettes in this state, and at least nine months before any order absolute shall be made thereupon.

Real estates of
any testator or
intestate,
when and in
what manner
it may be sold.

Proviso.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1816, No. 212, amendatory of this act.

AN ACT

(No. 210.)

To alter and amend An act for the more effectually securing the probate of Wills, limiting the time for executors to qualify, and widows to make their election, and for other purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the Courts of Ordinary, upon application made by any administrator, administratrix, guardian or distributees of any estates, shall appoint three or more freeholders of the county in which such application shall be made, whose duty it shall be to divide the said estate, subject to distribution, into as many parts or shares as there are distributees, and assign, by lot or otherwise, as to them shall seem proper, one of the said parts or shares to each distributee, or his, her or their guardian or legal representative; the said distributee, or his, her or their guardian or legal representative first giving bond and approved security to the said administrator, to refund his or her proportionable part of any debt which may be afterwards established against the said estate, and the costs attending the recovery of such debt: Provided always, the party so applying shall give to all the parties in interest within the state, written notice thereof twenty days, and those without the state ninety days, before the meeting of the court at which the said application is made: And provided also, that the persons so making distribution shall be previously sworn to make the same according to justice and equity, without favour or affection to any of the parties, to the best of their skill and understanding.*

In what manner estates shall be divided, upon application of any administrator, &c. to the Court of Ordinary.

Proviso.

Proviso.

SECT. 2. *And be it further enacted, That any executors, executrix, administrators, administratrix or guardian, whose residence shall be changed from one county to another, either by the creation of a new county, removal, or otherwise, shall have the privilege of making the annual returns, required of them by this act, to the Court of Ordinary of the county in which they reside, by having previously obtained a copy of all the records concerning the estates for which they are bound as executors, executrix, administrators, administratrix or guardians, and having had the same recorded in the proper office in the county in which they then reside, and having given new bond and security, as the law directs, for the performance of their duty.*

Executors, &c. who have changed their residence from one county to another, may make their returns to the Court of Ordinary of the county in which they reside.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 211.)

AN ACT

To authorize the several Courts of Ordinary in this state to appoint their clerks administrators, de bonis non, in certain cases.

Preamble.

WHEREAS, there is no provision by law for the administration of the estates of deceased intestates, in cases where the administrator or administrators die; and administration *de bonis non* cannot be granted from the incapacity of the persons applying to give the security required by law, or when the persons appointed refuse to give such security; for remedy whereof,

Courts of Ordinary in certain cases may appoint their clerks administrators *de bonis non*.

Duty and power of clerks, &c. so appointed.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is enacted,* That when the administrator, administrators or administratrix of the estate of any intestate, shall die before he has fully administered upon the estate, and the person or persons whom the Court of Ordinary shall appoint administrators or administratrix *de bonis non* upon such unadministered estate shall refuse to give the security required by law, or when the applicant or applicants for letters of administration *de bonis non* upon unadministered estates, shall be incapable of giving the security required by law, it shall be the duty of the Courts of Ordinary in the county where any such case shall happen, by special order of court, to vest the final administration of such estates in the clerk of the Court of Ordinary of said county, or such other person as the court may appoint; and such clerk or other person as aforesaid, when such special order shall have passed, shall immediately proceed finally to administer on such unadministered estate, as soon as possible, under the direction of said court; for which purpose the said clerk, or other person as aforesaid, shall have full power and authority to commence and defend suits at law, as the legal representative of such unadministered estate: *Provided*, that in all such suits at law no other evidence shall be required of the said clerks, or other person as aforesaid, being the legal representative of any such unadministered estate, than an exemplified copy of the aforesaid special order of the Court of Ordinary.

Executors, &c. of the deceased administrator, compelled to pay to such administrator *de bonis non* all monies, and to deliver all papers and property belonging to such unadministered estate, &c.

SECT. 2. *And be it further enacted,* That whenever the administration of an estate shall be vested in the clerk of the Court of Ordinary, or other person as aforesaid, according to the provisions of this act, the executor, executors, executrix, administrator, administrators, or administratrix, of the deceased administrator, or administrators, shall be bound to pay into the clerk's hands, or other person as aforesaid, all monies, and also to deliver to him all bonds, notes, accounts and other papers, and all the property belonging to such unadministered estate, and fully to account of and concerning the acts of his, her or their deceased testator or intestate, upon such unadministered estate.

SECT. 3. *And be it further enacted*, That such clerks, or other person as aforesaid, (No. 211.) when invested with the administration of an estate, according to the provisions of this act, shall be allowed such compensation for their services as is allowed to all other executors and administrators by the laws of this state.

Compensation
of such admin-
istrator *de*
bonis non.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 212.)

To alter and amend an "act to alter and amend the twelfth section of an act to protect the estates of orphans, and to make permanent provision for the poor," passed 16th December, 1811.

WHEREAS, difficulties have arisen from the above recited act; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That it shall and may be lawful for the Inferior Courts in the several counties of this state, when sitting for ordinary purposes, to order a sale, which shall be at public auction, and on the first Tuesday in the month, at the place of public sales in the said county, first giving sixty days notice thereof in one of the gazettes, and at the door of the court-house in the county where such application shall be made, of such part or the whole of the real estate of every testator or intestate, on application of the executor, or executors, or executrix, administrator, or administrators, or administratrix, guardian, or guardians, where it is made fully and plainly appear, that the same will be for the benefit of the heirs and creditors of such estate: *Provided*, that a notice of such application for sale be first made known in one of the gazettes in the state, at least nine months before any order absolute shall be made thereupon.

When and under what circumstances the Court of Ordinary may order a sale of the whole or any part of the real estate of any testator or intestate.

Proviso.

(No. 212.) SECT. 4. *And be it further enacted*, That all laws or parts of laws militating against this act be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 213.)

AN ACT

For the better management of the persons and estates of idiots, lunatics and persons insane.

Courts of Ordinary may appoint guardians for idiots lunatics, &c.

May remove them for misconduct.

Duty of such guardians.

Said court may order a sale of the property of such idiot, &c. when necessary for their support, &c.

Wife of an idiot, &c. entitled to the

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That the Inferior Courts of said state, sitting as Courts of Ordinary, shall have full power to appoint guardians for the persons and estates of all idiots, lunatics and persons insane: and it is hereby made the duty of said courts to require bond and good security from all guardians appointed in pursuance of this act, for the faithful discharge of their duties; and said courts are hereby vested with full power to remove any guardian who shall fail or refuse to manage the person or property of such idiot, lunatic or person insane, in a proper manner.

SECT. 2. *And be it further enacted*, That all guardians appointed by this act shall be compelled, within three months after their appointment, to make an inventory of the estate of their ward, and cause the same to be appraised, as the law directs in cases of deceased persons' estates, and return the same on oath to said court.

SECT. 3. *And be it further enacted*, That when it shall appear to said court that a sale of all or some part of the estate of such idiot, lunatic, or insane person, is necessary for their support or the payment of debts, it shall be the duty of said court to order such sales, and to authorize and compel said guardian or guardians to make titles to said property.

SECT. 4. *And be it further enacted*, That the wife of such idiot, lunatic or insane person, (if he be married,) shall be entitled to the guardianship of her husband's person

and property : *Provided*, she comply with the requisitions of this act, reserving to said (No. 213.) court the right of joining other persons with her in said guardianship, at their discretion. guardianship of her husband's person and property. Proviso.

SECT. 5. *And be it further enacted*, That all guardians, who may be appointed under and by virtue of this act, shall be bound to make to said court annual returns of their actings and doings, with the persons and property of their wards.

Said guardians compelled to make annual returns to the court of their actings and doings.

SECT. 6. *And be it further enacted*, That where a married woman under this law shall receive the guardianship of her husband's person, goods and effects, the bond so given by her as guardian shall be good and valid in law, to all intents and purposes.

Bond of a married woman, made guardian as aforesaid, shall be valid in law.

SECT. 7. *And be it further enacted*, That all laws or parts of laws militating against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

EVIDENCE, RECORDS, AND CONVEYANCES.

1811.

(No. 214.)

AN ACT*

To alter and amend the second section of an act, entitled An act to legalize and make valid certain acts of sheriffs and clerks, and to regulate the admission of evidence in the several courts of law and equity in this state, so far as relates to certain papers.

Preamble.

WHEREAS serious evils exist in several counties in this state, in consequence of certain friends or agents writing in, or keeping the clerks' offices for them, and signing their own names to certain certificates, records and other papers, which papers, by late decisions of the Superior Courts, cannot be admitted as evidence in said courts: *And whereas*, the aforesaid act does not answer the purpose for which it was intended:

All deeds, &c. enrolled, or certificates, and other writings made, given or signed by certain agents of certain clerks herein mentioned, made admissible in evidence in courts of law and equity.

SECT. 1. *BE it enacted by the Senate and House of Representatives, of the state of Georgia, in General Assembly met, and it is hereby enacted*, That all deeds, mortgages, conveyances, processes and other writings, of whatever nature or kind, enrolled, or certificates made or given, and signed Edward Adams, for George Taylor, who was the clerk of the Superior Court of Jackson county, or signed Edward Adams, for William Penticost, the clerk of the Inferior Court of said county, and James Gray, James Smith, and William Malone, for John Smith, clerk of the Superior Court, and James Gray and James Smith, for David Cleveland, clerk of the Inferior Court, and Hansley Paine, for Frederick Beall, clerk of the Court of Ordinary, all for the county of Franklin, and John H. Fannin and — Varner, Sterling Elder, David Merideth, Reuben Hill, Joseph Hopkins, William Brown and James Harper, for Bedford Brown, clerk of the

* The act which this amends is further amended and explained by act of 1812, No. 218.

Superior Court, and John Smith, for Gabriel Hubert, clerk of the Inferior Court for (No. 214.) the county of Clark, shall be received, held, deemed, considered, and admitted as evidence in any court of law and equity in this state, in like manner as if the same had been done and signed by the said George Taylor, or the said William Penticost, John Smith, David Cleveland, Frederick Beall, Bedford Brown, and Gabriel Hubert, in his or their own proper persons, any law, usage or custom to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 215.)

To legalize and make valid two manuscript books of the old records of the Executive Department.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the two manuscript books, A. and B. in the executive department, containing the records of said department, from the year one thousand seven hundred and seventy-seven to the year one thousand seven hundred and eighty-four, inclusive, that have been transcribed in pursuance of a resolution of the tenth day of December last past, be, and the same are hereby legalized and made valid, and shall henceforth become a part of the records of said department.*

Two manuscript books of old records of the executive department legalized.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 216.)

AN ACT

To authorize the Inferior Court of Warren county to transcribe the records of that county into bound books, and to confirm the same in Courts of Record.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That the Inferior Court for the county of Warren, or a majority of them, be, and they are hereby authorized and empowered to cause to be fairly transcribed into bound books, the whole or any part of the records of said county.

Inferior Court of Warren county authorized to have the records of that county transcribed.

SECT. 2. *And be it further enacted,* That it shall be the duty of the officers of said court, or any person having charge of any of the records of said county, to deliver them up to the court; and the said court, or a majority of them, are hereby required to appoint a fit and proper person or persons to transcribe the records aforesaid, and take bond with good and sufficient security, for the faithful execution of the duties aforesaid, who shall also take and subscribe an oath to that effect.

Said records to be delivered to the court; Who shall appoint a fit person to transcribe them.

SECT. 3. *And be it further enacted,* That after the manuscript copy shall be finished, the Inferior Court shall appoint two fit and proper persons to compare and correct the manuscript copy; and when corrected as aforesaid, the copy and original shall be received by the aforesaid court, and deposited in the offices to which they respectively belong.

The court shall appoint two persons to compare the copy with the originals.

SECT. 4. *And be it further enacted,* That the said duplicate records shall be considered by the officers of court as original records, and shall be received as such in all or any court of record, nor shall they, or any of them, be barred in evidence by the courts of record throughout this state, any thing to the contrary notwithstanding.

The duplicate records to be considered as original records.

SECT. 5. *And be it further enacted,* That the said court shall be, and they are hereby authorized, to defray the expenses of transcribing the said records, out of the county funds.

Expense of transcribing payable out of the county funds.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811. ••

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 217.)

To make valid a transcribed copy of the records of the Ordinary Court of Scriven county, and to confirm the same in Courts of Record.

WHEREAS, by an order of the honourable the Ordinary Court of the county afore- Preamble.
said, the records of said court have been transcribed into bound books :

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* A transcribed
That the aforesaid transcribed copy be, and they are hereby confirmed as the lawful re- copy of the
cord of said court. records of the
Court of Or-
dinary of Scri-
ven county
confirmed.

SECT. 2. *And be it further enacted,* That the said duplicate records shall be consi- The said du-
dered by the officers of court as original records, and shall be received as such in all plicate re-
or any court of record ; nor shall they, or any of them, be barred in evidence by the cords to be
courts of record throughout this state, any thing to the contrary notwithstanding. received as
originals, &c.

SECT. 3. *And be it further enacted,* That the said court shall be, and they are hereby Said court au-
authorized to defray the expenses of transcribing the said records; out of the county thorized to
funds. defray the ex-
penses of
transcribing.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 9th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 218.)

AN ACT

To amend and explain an act, entitled An act to legalize and make valid certain acts of Sheriffs and Clerks, and to regulate the admission of evidence in the several courts of law and equity in this state, so far as relates to certain papers.

Preamble.

WHEREAS, the before recited act does not sufficiently provide for all the cases for which it was intended ; and whereas, there is of record in this state a number of deeds of conveyance which are only attested by one witness, and who has subscribed the same as a justice of the peace, and also a great number which have been proven before a clerk of the Superior Court, who has subscribed himself as justice *ex officio*, or as clerk in his official capacity in the recess of court ; and whereas, doubts have been entertained as to the propriety of admitting such deeds as evidence in the several courts of law and equity in this state :

Deeds of conveyance attested by one justice of the peace, or a clerk of the Superior Court, and duly recorded, shall be admitted in evidence.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That where any deed of conveyance has been attested by one justice of the peace, or a clerk of the Superior Court, and recorded in the time prescribed by law, the same shall be admitted as evidence in any of the courts of law or equity in this state, and as such submitted to the jury, any law, usage or custom to the contrary notwithstanding.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 219.)

To make valid a transcribed copy of the Records of the Register of Probates of Columbia county, and to confirm the same in Courts of Record.

WHEREAS, by an order of the honourable the Court of Ordinary of the county Preamble.
aforesaid, they have had the same fairly transcribed into a bound book, and have received it as such:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the aforesaid transcribed copy be, and the same is hereby confirmed as the lawful record of the Court of Ordinary of Columbia county. A transcribed copy of the records of the register of probates of Columbia county confirmed.

SECT. 2. *And be it further enacted,* That the said duplicate records shall be considered by the officers of courts as original records, and shall be received as such in all or any court of record, nor shall they or any of them be barred in evidence by the courts of record throughout this state, any thing to the contrary notwithstanding. Said duplicate records to be received as original records.

SECT. 3. *And be it further enacted,* That the said court shall be, and they are hereby authorized to defray the expenses of transcribing the said records. Said Court of Ordinary to defray the expense of transcribing.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

JARED IRWIN,

President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

(No. 220.)

AN ACT*

To alter the law of Libel, so far as to allow the defendant to justify and give the truth in evidence, on indictments for the same.

Preamble. WHEREAS, the existing law relative to indictments for libel hath been found on experience to be unjust in itself, and in direct hostility to the spirit and genius of our free institutions:

Defendant
may justify
and give the
truth in evi-
dence upon
indictments
for libel.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in all future indictments for libel, it shall be lawful for the defendant to file a plea of justification, and to give the truth in evidence under the same, agreeably to the rules of evidence, and of the proceedings of the courts of law, any law, usage or custom to the contrary notwithstanding.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

* See the Penal Code of 1817, on the same subject.

AN ACT

(No. 221.)

To authorize the justices of the Inferior Court of Burke county, to cause the records of the Court of Ordinary of said county to be fairly transcribed into bound books, and to legalize the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court for the county of Burke, or a majority of them, be, and they are hereby authorized and empowered to, cause to be fairly transcribed into bound books, the whole or any part of the records of the Court of Ordinary of said county.

Justices of the Inferior Court of Burke county authorized to have the records of the Court of Ordinary transcribed.

SECT. 2. *And be it further enacted,* That it shall be the duty of the officers of said court, or any persons having charge of any of the records of said Court of Ordinary, to deliver them to the justices of said court; and the said justices, or a majority of them, are hereby required to appoint a fit and proper person to transcribe the records aforesaid, and take bond with good and sufficient security for the faithful execution of the duties aforesaid, who shall take and subscribe an oath to that effect.

Said records to be delivered up to said justices, who shall appoint some fit person to transcribe the same.

SECT. 3. *And be it further enacted,* That after the manuscript copy shall be finished, the justices aforesaid, or a majority of them, shall appoint two fit and proper persons to compare the said manuscript copy with the originals, and if found correct, be received by the justices aforesaid, and deposited in the office of the Court of Ordinary for said county.

Said transcribed copy to be compared with the originals, and deposited in the office of the Court of Ordinary.

SECT. 4. *And be it further enacted,* That the said duplicate records shall be considered by the officers of court as original records, and shall be received as such in all or any court of record; nor shall they be barred in evidence by the courts of record throughout this state, any thing to the contrary notwithstanding.

Said duplicate records to be considered and received as originals.

(No. 221.) SECT. 5. *And be it further enacted*, That the said justices shall be, and they are hereby authorized to defray the expenses of transcribing the said records out of the expenses of transcribing to be paid out of the county funds.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 222.)

AN ACT

To authorize the Inferior Court of Twiggs county to transcribe the Records of the Courts of Ordinary of said county into a bound book or books, and to confirm the same in Courts of Record.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Inferior Court of the county of Twiggs, or a majority of them, be, and they are hereby authorized and empowered, to cause to be fairly transcribed into a bound book or books, the whole or any part of the records of the said Court of Ordinary.

SECT. 2. *And be it further enacted*, That it shall be the duty of the officers of said Court of Ordinary, or any person having charge of any of the records of said Court of Ordinary, and the said Inferior Court, or a majority of them, are hereby required to appoint a fit and proper person to transcribe the records aforesaid; and take bond with good and sufficient security, for the faithful execution of the duties aforesaid; who shall also take and subscribe an oath to that effect.

SECT. 3. *And be it further enacted*, That after the manuscript copy shall be finished, the said Inferior Court shall appoint two fit and proper persons to compare and correct the said manuscript copy; and when corrected as aforesaid, the copy and original shall be received by the said Inferior Court, and deposited in the office of the clerk of the Court of Ordinary.

SECT. 4. *And be it further enacted*, That the said duplicate records shall be considered by the officers of the said Court of Ordinary as original records, and shall be received as such in all or any court of record; nor shall they, or any of them, be barred in evidence by the courts of record throughout this state; any thing to the contrary notwithstanding. (No. 222.)
Said duplicate records to be considered and received as originals.

SECT. 5. *And be it further enacted*, That the said Inferior Court are hereby authorized to pay, out of the funds of said county, a reasonable sum for the transcribing, and other expenses of the said records. Expenses of transcribing, &c. payable out of the county funds.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 223.)

To authorize the Inferior Court of Lincoln county to transcribe the Records of the Superior and Inferior Courts, and Court of Ordinary of said county, into new and well bound books, and make the same the records of said courts.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That from and after the passing of this act, the Inferior Court of Lincoln county are authorized and empowered to have such of the records of the Superior and Inferior Courts, and Court of Ordinary of said county, that is not in well bound books, to be fairly transcribed into new and well bound books, and have the same in alphabetical order. Inferior Court of Lincoln county authorized to have the records of the Superior, Inferior and Ordinary Courts of said county transcribed into new books.

SECT. 2. *And be it further enacted*, That the said Inferior Court are authorized and empowered to take such steps as will ensure a speedy and correct transcript of the records aforesaid. Authorized to take the necessary steps.

SECT. 3. *And be it further enacted*, That so soon as the said Inferior Court shall be informed that the manuscript copies of said records shall be finished, the said Inferior Two persons to be appointed to examine

(No. 223.) Court shall appoint two fit and proper persons to examine and correct the said manuscript copies; and when corrected, they are required to make report, to the Inferior Court, of such manuscript copies, which report shall be entered on the minutes of said Inferior Court, and the books therein referred to shall be deposited in the offices of the clerks aforesaid; which duplicate records shall be considered by the said officers of said courts as original records, and received in evidence as such, in all courts, in the same manner as if the same had not been transcribed.

The duplicate records to be considered as originals, and received in evidence as such.

Expenses of transcribing, &c. payable out of the county funds.

SECT. 4. *And be it further enacted*, That the said Inferior Court are hereby authorized to pay, out of the county funds, a reasonable sum for the transcribing said records, and provide at all times, out of the county funds, for all necessary expenses, for stationary and books for recording, for the use of the said Superior and Inferior Courts.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 224.)

AN ACT

To authorize the Inferior Court of Wilkinson county to transcribe the Records of that county, in bound books, and to confirm the same in Courts of Record.

Justices of the Inferior Court of Wilkinson county to have the records of said county transcribed into bound books.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That the justices of the Inferior Court for the county of Wilkinson, or a majority of them, be, and they are hereby authorized and empowered to cause to be fairly transcribed into bound books, the whole or any part of the records of said county.

Said records to be delivered to said court;

Who shall appoint a fit per-

SECT. 2. *And be it further enacted*, That it shall be the duty of the officers of said court, or any person having charge of any of the records of said county, to deliver them up to the court; and the said court, or a majority of them, are hereby required to appoint a fit and proper person or persons to transcribe the records aforesaid, and take

bond with good and sufficient security, for the faithful execution of the duties aforesaid, (No. 224.) who shall also take and subscribe an oath to that effect.

son or persons
to transcribe
the same.

SECT. 3. *And be it further enacted*, That after the manuscript copy shall be finished, the Inferior Court shall appoint two fit and proper persons to compare and correct the manuscript copy; and when corrected as aforesaid, the copy and original shall be received by the aforesaid court, and deposited in the offices to which they respectively belong.

The manu-
script copy to
be compared
and corrected
with the ori-
ginals.

SECT. 4. *And be it further enacted*, That the said duplicate records shall be considered by the officers of court as original records, and shall be received as such in all or any court of record; nor shall they, or any of them, be barred in evidence by the courts of record throughout this state, any law to the contrary notwithstanding.

SECT. 5. *And be it further enacted*, That the said court shall be, and they are hereby authorized, to defray the expenses of transcribing the said records out of the county funds.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 30th November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 225.)

To provide for the taking and recording of the evidence given in on all trials for capital offences, and also in all other cases where the party convicted may be sentenced to confinement in the Penitentiary for one or more years.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act it shall be the duty of the judges of the Superior Courts, presiding in any of the cases aforesaid, to take or cause to be taken down

Judges of the
Superior
Courts to take

(No. 225.) in writing, a memorandum of the testimony of all witnesses who may testify in said cases, a memorandum of the evidence in certain criminal cases, which shall be recorded in the event of conviction and sentence of which said memorandum taken as aforesaid, in the event of conviction and sentence of the party charged, shall be approved by the court and ordered to be recorded.

A certified copy of such evidence shall accompany applications for pardon or reprieve.

SECT. 2. *And be it further enacted*, That in all cases of application for pardon or reprieve, a certified copy of such evidence shall accompany such application.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 226.)

AN ACT

To regulate the admission of evidence in certain cases, in the several courts of law and equity in this state, and to provide for the recording of conveyances of personal property.

All laws and resolutions published by authority deemed public.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That all laws and resolutions, as published by authority, shall be held, deemed and considered public laws and resolutions, and the several courts of law and equity of this state shall take notice thereof as such, any law, usage or custom to the contrary notwithstanding.

Copies of documents, &c. certified by the proper officer made admissible in evidence.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the certificate or attestation of any public officer, either of the state or any county thereof, shall give sufficient validity or authenticity to any copy or transcript of any record, document or paper of file in the respective offices under their control, management, or to which they may be lawfully attached, to admit the same as evidence before any court of law or equity of this state: *Provided nevertheless*, that nothing herein contained shall be so construed as to prevent any of the judges of the Superior or Inferior Courts to require the original, or that it be accounted for.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all conveyances (No. 226.) of personal property duly executed, and bearing date after the passage of this act, may be recorded, and shall be admitted as evidence under the same rules and regulations as govern in cases of real property.

Conveyances
of personal
property may
be recorded,
&c.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

FACTORY, WOOLLEN.

1814.

(No. 227.)

AN ACT

To authorize the commissioners therein named to establish a lottery for the purpose of raising the sum of seven thousand dollars, the better to enable Henry Heald, Jacob Gregg and Robert Pearman to erect a woollen factory at some convenient place in the upper part of this state.

A lottery authorized for the purpose of erecting a woollen factory.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That it shall and may be lawful for the commissioners herein after named to establish a lottery, within two years from and after the passing of this act, to raise the sum of seven thousand dollars, under such scheme and regulations as they, or a majority of them, may deem necessary and proper to carry into effect the above recited object.

A bond to be taken, conditioned that the money raised shall be applied to the purpose aforesaid.

Proviso.

SECT. 2. *And be it further enacted,* That the said Henry Heald, Jacob Gregg and Robert Pearman, or the survivors of them, shall, before they are entitled to receive the amount of money so raised, agreeable to the provisions of this act, enter into a bond with three or more good securities, made payable to his excellency the Governor for the time being, and his successors in office, in the penal sum of fourteen thousand dollars, to be void on condition that if the money so raised as aforesaid, shall be applied and appropriated to the special purpose as contemplated by this act: *Provided,* that the said Henry, Jacob and Robert shall give bond with good and sufficient securities, in the sum of fifty thousand dollars, to his excellency the Governor, faithfully to discharge their duties; and also, to account with the fortunate drawers in the said lottery for the sum or sums which shall be drawn; and in case the said lottery shall not be drawn, to return the sum or sums advanced for tickets in said lottery.

SECT. 3. *And be it further enacted*, That Moses Speer, Anderson Dabney, Thomas S. (No. 227.) Bonner, Tandy W. Key, and Benson Henry, or a majority of them, be, and they are hereby appointed commissioners to carry into effect the aforesaid lottery.

Commission-
ers of said
lottery nomi-
nated.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

FERRIES.

1811.

(No. 228.)

AN ACT

To repeal an act, entitled An act to authorize Henry Joice to erect a ferry across the Oconee river, at or near his landing.

The recited
act repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the law passed at the last session of the legislature, on the 13th December, 1810, appointing James Alston, Abraham Jones, Edward Blackshear, Hugh M^cDonald, and Joseph Burch, commissioners to lay off a road for the establishment of a ferry at or near Henry Joice's landing, be, and the same is hereby repealed, any law or parts of laws to the contrary notwithstanding.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 229.)

To establish and make permanent the ferry on Savannah river, in the county of Elbert, known by the name of McDonald's Ferry.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the ferry on Savannah river in the county of Elbert, on the land whereon Hugh McDonald now lives, adjoining lands of Moses Haynes, senior, called and known by the name of McDonald's ferry, be, and the same is hereby made and declared a public ferry, and the said Hugh McDonald, his heirs or legal representatives, are authorized to ask and receive from all persons crossing at said ferry, the same rate of toll (or ferriage) that is by law authorized to be received at public ferries on said Savannah river.

Hugh McDonald's ferry on Savannah river, made a public ferry.
Ferriage.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 5th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 230.)

To authorize John Jeter to establish a ferry across the Oconee river, the landings of said ferry on the premises of said John Jeter.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That John Jeter, his heirs and assigns, shall have a right to keep a ferry on the Oconee river, at or near the place where his flat at present crosses said river, on his own land, on a road lead-

John Jeter authorized to establish a ferry on the

(No. 230.) ing from Hancock county to Putnam county, liable to the same toll and regulations as other ferries in said counties; any law, usage or custom to the contrary notwithstanding.
 Oconee river.
 Rates of ferriage.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

(No. 231.)

AN ACT

Supplemental to an act, entitled An act securing to Joseph Hill, his heirs and assigns, the exclusive right of erecting three toll bridges across Savannah river and its branches, and raising causeways across Hutchinson's island, and other islands in the said river.

Joseph Hill authorized to establish a ferry from the city of Savannah to Proctor's Point in South Carolina.

Continuation of this act.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Joseph Hill, his heirs and assigns, shall be authorized to establish a ferry from the city of Savannah to Proctor's point, so called, in South Carolina, and that he or they shall be entitled to demand and receive for the conveyance of passengers, and all others crossing said ferry, the same toll as is authorized in and by the aforesaid recited act, to which this is a supplement.

SECT. 2. *And be it further enacted,* That this act shall continue in force until the said Joseph Hill, his heirs and assigns, shall have built and completed the bridges and causeways mentioned in the before recited act: *Provided,* that said bridges and causeways are built and completed in the period therein mentioned.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 232.)

To authorize Ezekiel Dubose to erect a ferry across Savannah river, at his plantation in the county of Lincoln.

WHEREAS, it would be of general good to the community that a ferry should be established at the plantation of the said Ezekiel Dubose :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the aforesaid Ezekiel Dubose, his heirs and assigns, are hereby authorized and empowered, so far as the legislature of the state of Georgia can invest him or them, to erect a ferry across Savannah river at his plantation, and be entitled to demand and receive the following rates of ferriage or toll, to wit: For a loaded waggon, team and driver, seventy-five cents; for an empty waggon, team and driver, fifty cents; for a four wheel pleasure carriage, fifty cents; for a two wheel pleasure carriage, twenty-five cents; for a loaded cart, team and driver, twenty-five cents; for an empty cart, team and driver, eighteen and three-fourth cents; for every rolling hogshead, team and driver, twenty-five cents; for a horse and rider, twelve and a half cents; for every led horse, ass or mule, six and a quarter cents; for each head of cattle, two cents; for each head of hogs, sheep or goats, one cent; and for each foot passenger, six and a quarter cents.

Ezekiel Dubose authorized to establish a ferry on Savannah river, at his plantation in Lincoln county.
Toll rates.

SECT. 2. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in full force and effect for the term of seven years from and after the first day of January, eighteen hundred and fourteen, any law to the contrary notwithstanding: *Provided,* the same does not interfere with the established rights of any other ferry.

Continuation of this act.

Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

(No. 233.)

AN ACT

Authorizing Captain Thomas H. Miller, of Camden county, to establish a ferry across North river, and to throw up a causeway through the adjoining marsh.

Preamble. WHEREAS, it is of great importance to shorten the distance of communication between the fortifications at Point Petre and the city of St. Mary's:

SECT. 1. *Therefore be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
Captain Miller authorized to establish a ferry across North river. That captain Thomas H. Miller be, and he is hereby authorized to establish a ferry across North river, opposite to his house, and he is also authorized to throw up a causeway from the said ferry, through the marsh to the high land on each side of the said river.

SECT. 2. *And be it further enacted by the authority aforesaid,* That to remunerate the said captain Thomas H. Miller for making the aforesaid causeway, and keeping the ferry, he is hereby authorized to demand and receive the following toll: For every foot
Ferriage. man, twelve and a half cents; for every man and horse, twenty-five cents.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 234.)

To secure to Ransom Carson, a citizen of Wayne county, the right and privilege of establishing a ferry across the river Satilla in said county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the right and privilege of establishing a ferry across Great Satilla river, at the place formerly called Carson's Ferry, be, and the same is hereby confirmed unto Ransom Carson, his heirs and assigns: *Provided,* the said Ransom Carson shall own the lands on each side of the river, for the term of seven years, commencing the first day of January, one thousand eight hundred and sixteen: *And provided also,* the said Ransom Carson shall, within three months, have a sufficient flat or ferry-boat, for the passage of travellers, with wagons and carriages, across the said river.

The right of keeping a ferry across Great Satilla river confirmed to Ransom Carson.
Proviso.
Proviso.

SECT. 2. *And be it further enacted,* That the said Ransom Carson, his heirs and assigns, shall and may demand and receive the several sums herein after specified, at the place aforesaid, that is to say: For every foot passenger, six and a quarter cents; for each man and horse, twelve and a half cents; for each single led horse, six and a quarter cents; for each two wheel carriage, thirty-seven and a half cents; for each four wheel carriage, seventy-five cents; for neat cattle, per head, three cents; for goats, sheep, or hogs, two cents.

Ferriage.

SECT. 3. *Be it further enacted,* That when there is a fresh in said river, which will occasion long ferriage, that the said Ransom Carson, his heirs or assigns, shall demand and receive, the following rates herein after specified, that is to say: For every foot passenger, twelve and a half cents; for every man and horse, twenty-five cents; for every led horse, eighteen and three-fourth cents; for every two wheel carriage, sixty-two and a half cents; for every four wheel carriage, one dollar.

Ferriage in case of freshes.

SECT. 4. *And be it further enacted,* That when the above mentioned river shall be so low at the above mentioned place that passengers can ford the same, that the above rates shall not be demanded.

When the river is fordable, no rates to be demanded.

SECT. 5. *And be it further enacted,* That it shall not be lawful for any person or persons, in any way, to obstruct the ford at which the said ferry is intended to be establish-

Penalty for obstructing the ford.

(No. 234.) ed, under the penalty of one hundred dollars, to be recovered before any court having competent jurisdiction thereof, one half to the complainant, and the other half for county purposes.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 235.)

AN ACT •

For establishing a rate of ferriage over the Great Satilla river, at the old Town Bluff, in Camden county.

Rates of ferriage over the Great Satilla, at the Old Town Bluff in Camden county.

SECT..1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same;* That from and after the passage of this act, the following rates of ferriage be, and the same are hereby established, to wit: For a loaded waggon and four horses, one dollar; for an empty waggon and four horses, seventy-five cents; for all four wheel pleasure carriages, one dollar; for a two wheel pleasure carriage, fifty cents; for a horse and cart, thirty-seven and a half cents; for a man and horse, twelve and a half cents; for a led horse, six and a quarter cents; for a foot passenger, six and a quarter cents; for each head of cattle, three cents; for each head of hogs, sheep, or goats, two cents.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 236.)

To authorize Armstead Burt, and the legal representatives of Samuel Scott, deceased, to keep a Ferry on Savannah river.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, that Armstead Burt, and the legal representatives of Samuel Scott, shall have the right and privilege of keeping a ferry on the Savannah river, at or near the place called and known by the name of Scott's ferry, for the term of ten years.

Armstead Burt, and the legal representatives of Samuel Scott, deceased, authorized to keep a ferry on Savannah river.

SECT. 2. *And be it further enacted,* That it shall not be lawful for the said Armstead Burt, or the legal representatives of Samuel Scott, deceased, to have the right and privilege of keeping a ferry as aforesaid, or receiving any toll or ferriage as contained in this act, until the aforesaid Armstead Burt, or the legal representatives of Samuel Scott, shall have given a bond, with two good and sufficient securities, to the justices of the Inferior Court of Columbia county, in the sum of one thousand dollars, conditioned to keep a good and sufficient flat for the conveyance of all common carriages, people and stock, with due attendance to manage said flat for and during the term aforesaid.

Said Burt, &c. shall give bond and security to the Inferior Court of Columbia county, conditioned to keep a good flat, &c.

SECT. 3. *And be it further enacted by the authority of the same,* That the said Armstead Burt, and the legal representatives of Samuel Scott, deceased, shall be, and they are hereby authorized to receive the following rates of ferriage, to wit: For a waggon and team, one dollar; for a cart and team, thirty-seven and a half cents; for a four wheel pleasure carriage, one dollar; for a two wheel pleasure carriage, fifty cents; for a man and horse, twelve and a half cents; for each led or drove horse, six and a quarter cents; for each head of cattle three cents; for each head of sheep, hogs, or goats, one cent.

Ferriage.

SECT. 4. *And be it further enacted,* That all laws or parts of laws that militate against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 237.)

AN ACT

To establish certain ferries therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, Zachariah Bowman be, and he is hereby authorized to establish a public ferry on Savannah river, at his own landing in Elbert county, just above the mouth of Coldwater creek, and that Daniel Tucker, senior, be, and he is hereby authorized to establish and keep a public ferry on said river, in said county, from his own land to the land of John Speer, on the opposite shore; and that the said ferries be under the same rules and regulations, and receive the same rates for ferriage, that other ferries do that have been heretofore established on said Savannah river above Augusta.

Zach. Bowman authorized to establish a public ferry on Savannah river, in Elbert county. Daniel Tucker, sen'r. also authorized to establish one.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 238.)

AN ACT

To authorize Nathaniel Bostick to establish a ferry across Ogechee river, on his own land.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in general assembly met,* That from and immediately after the passing of this act, Nathaniel Bostick be, and he is hereby authorized to establish a ferry across Great Ogechee river, on his own land, at or near the upper end of Fletcher's island in said river.

Nathaniel Bostick authorized to establish a ferry across Ogechee river.

SECT. 2. *And be it further enacted,* That the said Nathaniel Bostick shall be entitled to receive of and from all person or persons crossing thereat, the following sums for crossing at said ferry, to wit: For every four wheel pleasure carriage fifty cents; for

Ferriage.

every waggon fifty cents ; for every two wheel pleasure carriage thirty-seven and a half (No. 238.) cents ; for every cart twenty-five cents ; for man and horse twelve and a half cents ; for every footman six and a quarter cents ; for every led or drove horse, cow, hog, sheep or goat, two and a half cents.

SECT. 3. *And be it further enacted,* That before the said Nathaniel Bostick shall be permitted or entitled to receive any thing for ferriage across said river, he shall give a bond, with two good and sufficient freehold securities, of the county of Jefferson, to the Inferior Court of said county, in the sum of five hundred dollars, to make good all losses which may happen to property in crossing at said ferry ; which bond shall be filed in the clerk's office of the Inferior Court of said county of Jefferson, and may be sued on for the use and benefit of any person that may sustain any injury by the negligence of the said Bostick, and a copy of the said bond, certified by the clerk of the said Inferior Court, shall be good evidence, on the trial of any cause against said Bostick on said bond.

Said Bostick to give bond and security to the Inferior Court of Jefferson county, to make good all losses that may happen to property in crossing said ferry.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 239.)

To establish certain Ferries at the confluence of Broad and Savannah rivers, for certain purposes and persons therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That a public ferry be established at the confluence of the Broad and Savannah rivers, upon the land of Benton Walton ; and the right of the ferry from thence across Broad river to the point between the two rivers, and also from his landing in Lincoln county to the Carolina side, be, and the same is hereby vested in the said Benton Walton, his heirs, executors, administrators or assigns, for and during the term of thirty years from the passing of this act.

Benton Walton vested with a right of ferry at the confluence of Broad and Savannah rivers.

(No. 239.) *SECT. 2. And be it further enacted by the authority aforesaid, That a public ferry, from the point in Elbert county between Broad and Savannah rivers, across both streams to Benton Walton's land, on the one stream, and from the point to Carolina side, on Savannah river, be, and the same is hereby established upon the land and for the use of John Oliver, a minor, for and during the terms of thirty years: Provided, nothing herein contained shall be so construed as to affect the right and privileges now observed at the same ferries; and the right of public ferries on the lands of both persons herein mentioned shall be, to all intents and purposes, considered as distinct and separate establishments.*

Ferriage, &c. SECT. 3. And be it further enacted, That each of those rights of public ferries shall be under the same rules and regulations that other ferries are upon the same rivers, and under the same rates for ferriage as have been heretofore received at the said ferries.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 240.)

AN ACT*

To continue in force for the term of ten years an act, entitled An act for establishing a ferry over the river Altamaha, at Fort Barrington.

SECT. 1. BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That an act passed on the twenty-second of December, eighteen hundred and eight, entitled An act to establish a ferry over the river Altamaha, at Fort Barrington, be, and the same is hereby continued in force until the first day of January, eighteen hundred and twenty-eight.

An act establishing a ferry at Fort Barrington continued in force for ten years.

* See act of 1819, No. 242, amendatory of the one which this continues.

SECT. 2. *And be it further enacted,* That all laws and parts of laws militating against (No. 240.) this act be, and the same are repealed.

Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 241.)

To establish a certain Ferry herein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, that the right of a public ferry, generally known by the name of Barksdale Ferry, now upon the land of Henry Jones, of Lincoln county, and from thence across Savannah river, to his land in Carolina, be, and the same is hereby vested in the said Henry Jones, his heirs, executors, administrators or assigns, for and during the term of thirty years from the passing of this act.

The right of a
ferry across
Savannah ri-
ver, called
Barksdale
Ferry, vested
in Henry
Jones.

SECT. 2. *And be it further enacted,* That this right of public ferry shall be under the same rules and regulations that other ferries are upon the same river, and receive the same rates for ferriage as have been heretofore received at said ferry.

Ferriage, &c.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

(No. 242.)

AN ACT

To amend An act to establish a Ferry over the river Altamaha at Fort Barrington.

Ferriage at
Fort Barrington.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, the proprietors of the said ferry shall receive for short ferriage, for a man and horse, eighteen and three quarter cents; for swimming cattle, four cents per head.

Repealing
clause.

SECT. 2. *And be it further enacted,* That so much of the before recited act, and all other acts, so far as they militate against this act, be, and the same are hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 243.)

AN ACT

To establish a Ferry across the Altamaha river, at the place commonly called Linder's Ferry, and to establish the rates thereof.

A right of
ferry estab-
lished in the
proprietors of
the land on
each side of
the river Al-
tamaha, at the
place called
Linder's ferry.
Ferriage.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the ferry across the Altamaha river, at the place commonly called Linder's Ferry, be, and the same is hereby established, for the term of six years, in the proprietors of the land on each side of the river; and the following rates for conveyance shall be received, and no more, by those that keep said ferry: For a loaded waggon and four horses, one dollar; for an empty waggon and four horses, seventy-five cents; for all other four wheel carriages, seventy-five cents; for a cart and one horse, thirty-seven and a half cents; for other two wheel carriages, fifty cents; for a man and horse, twelve and a half cents; for each led horse, the same; for foot passengers, six and a quarter cents; for each head of hogs, sheep or goats, two cents.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when the river (No. 243.) shall be so high as to compel the person or persons keeping said ferry to go long ferry, Ferriage, when the river is high. they shall receive the following rates, to wit: For a loaded waggon and four horses, four dollars; for an empty waggon and four horses, three dollars; and for all other four wheel carriages, three dollars; for a cart and one horse, one dollar and fifty cents; for all other two wheel carriages, two dollars; for man and horse, one dollar; for led horses, twenty-five cents each; and for every foot person, twenty-five cents.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 244.)

To establish a Ferry across the Oconee river, at the place known as Trammel's Ferry, in Laurens county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, a public ferry be, and is hereby established across the Oconee river, at the place formerly known as Trammel's Ferry, in the county of Laurens, to continue for and during the term of ten years; and that the rates now allowed at said ferry be and remain, until altered by the Inferior Court of said county.

A ferry established across the Oconee at a place formerly called Trammel's Ferry.

SECT. 2. *And be it further enacted,* That the legal representative of Jared Trammel, deceased, is hereby entitled to all the proceeds and benefits arising from the use of the ferry, landing on the north-west side of said river, for the use and benefit of the heirs of said Trammel, deceased; and that James Beaty, esquire, of Laurens county, or his legal representatives, be, and they are hereby entitled to all the proceeds and benefits arising from the use of the said ferry landing, on the south-west side of said river: *Provided,* the representative of said Trammel, and the said James Beaty, esquire, shall each give bond to the Inferior Court of said county of Laurens, in terms of the law, to keep a sufficient flat, with good attendance.

Proceeds of said ferry vested in the representative of Jared Trammel, deceased, and in James Beaty, Esq.

Proviso.

(No. 244.)
Proprietors
liable to a suit
for not duly at-
tending to said
ferry.

SECT. 3. *And be it further enacted*, That in case either the said James Beaty, or the representative of the said Trammel, or the person or persons employed by them, or either of them, shall at any time neglect to give prompt and due attention to said ferry, the proprietor thus offending, shall be liable to suit on his bond, and the recovery of adequate damages by the person injured; and the other proprietor, or person acting for him, be at liberty to convey the person or persons thus delayed, and receive the ferriage due therefor, any thing in this act to the contrary notwithstanding.

Provision in
case either of
the parties
should refuse
to comply
with the terms
of this act.

SECT. 4. *And be it further enacted*, That in case the said James Beaty, esquire, or the representative of the said Jared Trammel, shall refuse to accept and comply with the provisions of this act, that the other party, by complying, shall be entitled to use and receive the full and entire occupancy and benefit of the same, during the obstinacy or non-compliance of the other, as aforesaid.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

FEES AND SALARIES.

AN ACT

1814.

(No. 245.)

To amend an act, entitled "An act to establish the fees of the harbour-master and health officer of the ports of Savannah and St. Mary's," passed the 12th December, 1804.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the expiration of the term for which the present incumbents have been elected, the health officer of the ports of Savannah and St. Mary's shall not be entitled to have or receive any fees whatsoever, of or from any American vessel arriving at the said ports of Savannah or St. Mary's, in any case where such vessel shall have sailed or departed from any port or place within the limits of the state of Georgia.*

Health officer of Savannah and St. Mary's not entitled to fees in certain cases.

SECT. 2. *And be it further enacted by the authority aforesaid, That it shall not be necessary for the health officer to visit any vessel arriving at the port of Savannah from any port or place within the limits of this state.*

Health officer of Savannah not bound to visit any vessel arriving there from any place within the state.

SECT. 3. *And be it further enacted by the authority aforesaid, That all acts and parts of acts militating against this law be, and the same are hereby repealed.*

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

* See act of 1817, No. 247, with regard to the fees of the harbour-master and health officer of the port of Darien.

(No. 246.)

AN ACT*

To amend an act, entitled "An act to establish the salaries of the public officers of this state for the political year one thousand eight hundred and eight, and one thousand eight hundred and nine, and from thence until the same shall be repealed, and for defining the fees of malicious prosecutions," passed on the 8th December, 1806.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the public officers of this state shall receive as a salary or compensation for their services per annum the following sums, that is to say: the Governor, two thousand dollars per annum; the Secretaries of the executive department, not exceeding two, five hundred dollars each per annum; the Treasurer, twelve hundred dollars per annum; the Comptroller General, six hundred dollars per annum; the Secretary of State, two hundred dollars per annum; the Surveyor General, five hundred dollars per annum; the Secretary of the Senate, three hundred dollars per annum; the clerk of the House of Representatives, three hundred dollars per annum; the Judges of the Superior Courts, fourteen hundred dollars each per annum; and the Attorney and Solicitors General one hundred and fifty dollars each per annum; which said several sums shall be paid to the officers quarter-yearly, out of any monies which may be in the treasury not otherwise specially appropriated.*

Salaries of the public officers

The Governor
His secretaries.Treasurer.
Comptroller general.

Secretary of state.

Surveyor general.

Secretary of the senate.

Clerk of the house of representatives.

Judges.

Attorney and solicitors general.

Duration of this act.

SECT. 2. *And be it further enacted, That this act shall continue and be in force until the expiration of the political year one thousand eight hundred and seventeen, and from thence until the same shall be repealed.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 22d November, 1815.

D. B. MITCHELL, GOVERNOR.

* See act of 1818, No. 248, increasing the fees and salaries of public officers; also act of 1819, No. 250, amendatory thereof.

AN ACT

(No. 247.)

To establish the fees for the harbour master and health officer for the port of Darien, and to allow them the same fees as are allowed the harbour master and health officer for the ports of Savannah and St. Mary's.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the harbour master and health officer for the port of Darien, shall be allowed the same fees as are allowed by law to the harbor master and health officer for the ports of Savannah and St. Mary's; and to be collected in the same manner, to wit: four cents per ton on all foreign vessels, and two cents per ton on all American vessels, which shall arrive at the port of Darien, which shall be in full for their fees.

Harbour master and health officer of the port of Darien allowed the same fees which are allowed to such officers in Savannah and St. Mary's.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT*

(No. 248.)

To increase the salaries of the public officers of this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the public officers herein after named shall receive, as a salary or compensation for their services, during the political years one thousand eight hundred and twenty, and one thousand eight hundred and twenty-one, and from thence during the continuance of this act, the following sums, that is to say: the Governor, three thousand dollars per annum; the Treasurer, eighteen hundred dollars per annum; the Comptroller General, twelve hundred dollars per annum; the Secretary of State, three hundred dollars per

Salary of the Governor.
Treasurer.
Comptroller.
Secretary of State.

* See act of 1819, No. 250, by which this is altered and amended.

(No. 248.) annum ; the Surveyor General, seven hundred and fifty dollars per annum ; the Judges of the Superior Courts, twenty-one hundred dollars per annum ; and to the Attorney and Solicitors General, two hundred and twenty-five dollars each per annum ; which said several sums shall be paid to the said officers quarter-yearly, out of any monies which may be in the treasury, not otherwise specially appropriated.

Fees of clerks, sheriffs, and other county officers, increased 50 per cent. SECT. 2. *And be it further enacted*, That from and after passing of this act the fees of the several public officers hereafter named be, and the same are hereby increased, at and after the rate of fifty per cent. on their original fees, heretofore established by law, viz : clerks of the Superior and Inferior Courts, and clerks of the Court of Ordinary, sheriffs, jailors, coroners, tax collectors, receivers of tax returns, county surveyors, constables, and justices of the peace.

Repealing clause. SECT. 3. *And be it further enacted*, That all laws and parts of laws which may militate against this act be, and the same are hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 249.)

AN ACT

To establish the fees of the public officers of this state, on all grants that may be issued for lands lately obtained from the Creek and Cherokee Indians.

Fees of public officers upon grants, increased 50 per cent. SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That the Surveyor General, Secretary of State, Secretaries to the executive department, Treasurer, and Comptroller General, shall be entitled to the same fees as were heretofore allowed them, by an act passed the eighth day of December, eighteen hundred and six, with the addition of fifty per centum ; and the Governor is hereby authorized quarter-

yearly to draw a warrant on the treasury in favour of the aforesaid officers, for the said (No. 249.) several sums as they become due.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 250.)

To alter and amend an act, entitled An act to increase the salaries of the public officers of this state, passed the 8th of December, 1818.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the public officers herein after named shall receive, as a salary or compensation for their services, during the political years one thousand eight hundred and twenty, and twenty-one, and from thence during the continuance of this act, the following sums, that is to say: the Governor, three thousand dollars per annum; the Treasurer, fifteen hundred dollars per annum; the Comptroller General, one thousand dollars per annum; the Secretary of State two hundred and fifty dollars per annum; the Surveyor General, five hundred dollars per annum; the Judges of the Superior Courts, twenty-one hundred dollars each per annum; and to the Attorney and Solicitors General, two hundred and twenty-five dollars each per annum; which said sums shall be paid to the said officers quarter-yearly, out of any monies which may be in the treasury, not otherwise specially appropriated.

Salary of the Governor.
Treasurer.
Comptroller.
Secretary of State.
Surveyor General.
Judges.
Attorney and Solicitors General.

SECT. 2. *And be it further enacted,* That from and after the passage of this act, the fees of the several public officers herein after named be, and the same are hereby increased, at and after the rate of twenty-five per cent. on their original fees, heretofore

Fees of county officers increased 25 per cent. on those esta-

(No. 250.) established by law, previous to the first day of December, eighteen hundred and eighteen, viz: clerks of the Superior and Inferior Courts, clerks of the Court of Ordinary, sheriffs, receivers of tax returns, county surveyors, constables, justices of the peace, jailors, coroners, and tax collectors.

Repealing
clause.

SECT. 3. *And be it further enacted,* That all laws and parts of laws militating against this law be, and the same are hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1819.

JOHN CLARK, GOVERNOR.

FREE SCHOOLS.

AN ACT

1817.

(No. 251.)

To create and establish a fund for the support of Free Schools throughout this state.

WHEREAS, it is universally acknowledged, that in all well regulated governments, Preamble.
and particularly that form of government under which we have the happiness to live,
the education of youth and the general advancement of useful knowledge, are objects
of primary importance ; and whereas, the present system of education in this state is
not well calculated for the general diffusion, and equal distribution of useful learning :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state
of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
That from and immediately after the passage of this act, the sum of two hundred and
fifty thousand dollars be, and the same is hereby set apart and appropriated for the
future establishment and support of free schools throughout this state : *Provided*, that
nothing contained herein shall prevent a future legislature from repealing the whole or
any part of the above recited law. \$250,000 ap-
propriated to
the future
establishment
and support of
free schools.
Proviso.

SECT. 2. *And be it further enacted,* That it shall be the duty of his excellency the
Governor, so soon as a favourable opportunity may occur, to invest the above sum in
bank or other profitable stock.* Governor to
invest said
sum in profit-
able stock.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

* See title "Banks," act of 1819, No. 57, requiring the Governor to vest \$100,000 of said fund in Darien Bank stock. See title "Societies," act of 1818, No. 534, to incorporate the Savannah Free-school Society.

INSPECTION OF FLOUR.

1811.

(No. 252.)

AN ACT*.

To establish and regulate the Inspection of Flour.

Preamble.

WHEREAS, experience has shown that the establishment of flour inspections, under proper regulations, will contribute to the interest of the state :

Flour inspection established in Savannah, Augusta, Milledgeville, Petersburg and Darien.

Inspectors, how appointed.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be one flour inspection established in the city of Savannah, one in the city of Augusta, one in the town of Milledgeville, and one in the town of Petersburg, and town of Darien; and that one inspector shall be appointed at each place.

SECT. 2. *And be it further enacted,* That the Inferior Courts in the several counties in which the places aforesaid are situated, at the first term after the passing of this act, and annually thereafter, shall nominate and appoint a person of good repute, and who is a skilful judge of the quality of flour, to be inspector of flour at each of the several places before mentioned.

Vacancies, &c. how filled.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in case of the death of any person so appointed, or his refusal or neglect to act, the justices of the Inferior Courts of said counties respectively shall, as soon as conveniently may be thereafter, meet together and appoint some other suitable person in room of the one so dead, or refusing or neglecting to act, who shall execute the duties of his office until

* Repealed by act of 1812, No. 253.

the succeeding annual election; and if any of the courts shall neglect to make appointments, it shall and may be lawful for the city council or corporations of the places before mentioned to appoint inspectors. (No. 252.)

SECT. 4. *And be it further enacted by the authority aforesaid,* That all bolted wheat flour, and every cask thereof brought to any of the places before mentioned, for sale or exportation, shall be made by the miller or manufacturer thereof merchantable and of due fineness, and without any mixture of coarser flour, or the flour of any other grain than wheat. Flour required to be merchantable, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all flour barrels packed with flour, brought to any of the places before mentioned for sale or exportation, shall be well made and of good materials, twenty-seven inches in length, and tightened with at least ten hoops, and sufficiently nailed, with the tare plainly marked on the head thereof; and every miller or bolter shall put into a barrel the full quantity of one hundred and ninety-six pounds of flour; and shall put into every half barrel the full quantity of ninety-eight pounds of flour; and if any one of them shall put a smaller quantity of flour into any barrel than is directed by this act, he shall forfeit and pay for the deficiency of every pound under three, eight cents, and for the deficiency of more than three, sixteen cents per pound, to be recovered by the person purchasing the same of the miller and bolter, or procuring their wheat to be ground, bolted and packed by them, to be recovered by warrant before any justice of the peace having jurisdiction thereof. Flour barrels, their size and quality.

196 lbs. of flour required to be put into every barrel, and 98 lbs. in every half barrel.
Penalty for putting in a less quantity.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any person or persons shall sell or dispose of any barrel or barrels of flour, or offer the same for inspection, with a less quantity of flour than is directed by this act, it shall and may be lawful for the inspector, at the request of the purchaser, to unpack any barrel of flour, and repack the same at the expense of the vender. Inspector may repack barrels of flour which are deficient in quantity, at the expense of the vender, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That any cask or barrel of flour, brought to any of the places before mentioned for sale or exportation, shall be submitted to the view and examination of the inspector, who shall examine the same by boring into the said barrels from head to head, with an instrument of not more than three quarter inch in diameter, to be by him provided for that purpose; and if he shall judge the same well packed and merchantable, according to the directions of this act, he shall plug up the hole, and brand the barrel with the name of the place at which he is inspector, with a public brand mark, to be by him provided for that purpose, and approved of by the said Inferior Court, city council or corporation, as the case may be; and shall also mark the degree of fineness which he shall determine on inspection the said flour to be, which degree shall be distinguished as follows: Superfine, Fine, Middling, and Ship Flour brought to any of said places for sale or exportation shall be submitted to the examination of the inspector.
Duties of the inspector with regard thereto

(No. 252.) stuff; for which trouble the inspectors shall have and receive of the owner twelve and a half cents per barrel.

Penalty for packing flour in old barrels, which have been marked and branded under this act.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any person or persons shall pack flour in old barrels, which have been marked and branded agreeably to this act, such person or persons shall forfeit and pay the sum of twenty-five dollars, one half to the use of the informer, and the other half to the use of the miller or manufacturer who has been injured by such false packing.

Manufacturers of flour shall brand their names on their flour barrels.

SECT. 9. *And be it further enacted by the authority aforesaid,* That every miller or manufacturer of flour shall brand his name on each and every barrel of flour, ground, bolted and packed by him.

No inspector shall purchase any flour by him condemned, or any other but for his own use.

SECT. 10. *And be it further enacted by the authority aforesaid,* That no inspector shall directly or indirectly purchase any flour by him condemned as unmerchantable, or any other flour whatsoever, other than for his own use, under the penalty of thirty dollars for every barrel by him purchased, to be recovered upon information by any informer before any justice of the peace.

Inspector's oath.

SECT. 11. *And be it further enacted by the authority aforesaid,* That every inspector of flour, before he enters on the duties of his office, shall take and subscribe the following oath, to wit: "I, A. B. do solemnly swear, or affirm, (as the case may be,) that I will well and truly inspect all flour brought to me for inspection, that I will faithfully repack all such as is not merchantable, and brand and mark the barrels as directed by this act; so help me God."

When this act shall operate.

SECT. 12. *And be it further enacted by the authority aforesaid,* That this act shall go into full operation after the expiration of six months from the passing thereof, and not before.

Repealing clause.

SECT. 13. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this law shall be, and the same are hereby repealed.

ROBERT IVERSON,

Speaker of the House of Representatives

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 253.)

To repeal an act, entitled An act to establish and regulate the inspection of flour, passed the 16th December, 1811.

WHEREAS, the above recited act has not been found to answer the purposes for Preamble which it was intended :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the above recited act be, and same is hereby* Repealing clause.
repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 254.)

To establish and regulate the inspection of Flour.

WHEREAS, experience has shown that the establishment of flour inspections, under Preamble. proper regulations, will advance and promote the interest of this state :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the* Flour inspection in Savannah, Augusta, and Petersburg.
*same, That there shall be a flour inspection established in the town of Petersburg and cities of Augusta and Savannah.**

SECT. 2. *And be it further enacted by the authority aforesaid, That the Inferior Courts* Inspectors, how appointed.
in the several counties aforesaid, at the first term of said courts after the passing of this
act, and biennially thereafter, shall appoint one person, of good repute, and a skilful judge

* A flour inspection established in Darien by act of 1815, No. 255.

(No. 254.) of the quality of flour, to be inspector of flour at the before mentioned places : that is to say, the Inferior Court of the county of Elbert, shall appoint one inspector for the town of Petersburg ; the Inferior Court for the county of Richmond, one inspector for the city of Augusta ; and the Inferior Court for the county of Chatham, one for the city of Savannah.

Vacancies,
how filled.

SECT. 3. *Be it further enacted by the authority aforesaid,* That in case of the death of any person so appointed, or in the event of his refusing or neglecting to act, the justices of the Inferior Court of said county shall, as soon as conveniently may be thereafter, meet and appoint some other suitable person to fill such vacancy, who shall execute the duties of inspector until the succeeding election ; and if the Inferior Court shall neglect to make appointments, it shall and may be lawful for the city council, or corporation of the before mentioned counties, to appoint an inspector.

Flour required
to be mer-
chantable, &c.

SECT. 4. *Be it further enacted by the authority aforesaid,* That all bolted wheat flour, and every cask thereof, brought to the places before mentioned for sale or exportation, shall be made by the miller or manufacturer thereof merchantable and of due fineness, and without mixture of coarser flour, or the flour of any other grain than wheat.

Quality, size,
&c. of flour
barrels.

SECT. 5. *Be it further enacted by the authority aforesaid,* That all flour barrels packed with flour, brought to the before mentioned places for sale or exportation, shall be well made and of good materials, twenty-seven inches in length, tightened with at least ten hoops, and sufficiently nailed, with the tare plainly marked on the head thereof ; and every miller or bolter shall put into a barrel the full quantity of one hundred and ninety-six pounds of flour, and shall put into every half barrel the full quantity of ninety-eight pounds of flour ; and on failure thereof shall forfeit and pay the sum of four dollars, to be recovered by any informer, before any justice having jurisdiction thereof ; one half of which shall belong to the informer, and the other half to the county.

Quantity of
flour required
in each barrel
and half bar-
rel.

Duties of the
inspector.

SECT. 6. *Be it further enacted by the authority aforesaid,* That all barrels or casks of flour brought to the places aforesaid for exportation, shall be submitted to the view and examination of the inspector, who shall expeditiously inspect the same, by boring into the barrel from head to head with an instrument of not more than three quarters of an inch in diameter, to be by him provided for that purpose, and if he shall judge the same well packed and merchantable, according to the directions of this act, he shall plug up the hole, and brand the barrel with the name of the place at which he shall be inspector, with a public brand mark to be by him provided for that purpose, and approved of by the Inferior Court, city council or corporation, as the case may be ; and shall also mark the degree of fineness which he shall determine the flour to be on in-

spection ; which degree shall be distinguished as follows : Superfine, Fine, Middling, and (No. 254.) Ship stuff; for which trouble the inspector shall have and receive from the owner six and a quarter cents per barrel.

SECT. 7. *Be it further enacted by the authority aforesaid,* That if any person or persons shall pack flour in old barrels, which have been marked and branded agreeably to this act, and which shall still have the brand of the inspector thereon, such person or persons shall forfeit and pay the sum of twenty dollars, to be recovered by any informer, before any justice of the peace having jurisdiction thereof, one half of which shall belong to the informer, and the other half to the miller or manufacturer who has been injured by such false packing.

Penalty for packing flour in old barrels which have been marked and branded agreeably to this act.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any inspector, directly or indirectly, to purchase any flour by him condemned as unmerchantable, or any other flour whatsoever, other than for his own and family use and consumption, under the penalty of thirty dollars for every barrel by him purchased, to be recovered, upon information by any informer, before any justice of the peace having jurisdiction thereof; one half of which shall belong to the informer, and the other half to the county.

No inspector shall purchase any flour condemned by him as unmerchantable, or any other but for his own and family use. Penalty.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any person shall export from the places aforesaid any flour, without inspection as aforesaid, he, she, or they shall forfeit and pay the sum of ten dollars for each barrel of flour so exported, to be recovered, upon information by any informer, before any justice of the peace having jurisdiction thereof, one half of which shall belong to the informer, and the other half to the inspector.

Penalty for exporting flour from said places without inspection.

SECT. 10. *Be it further enacted by the authority aforesaid,* That every inspector, before he enters on the duties of his office, shall take and subscribe the following oath, to wit: I, A. B. do solemnly swear, (or affirm, as the case may be,) that I will well and truly inspect all flour brought to me for inspection, that I will faithfully brand and mark the barrels as directed by this act; so help me God.

Oath of each inspector.

SECT. 11. *Be it further enacted by the authority aforesaid,* That the said inspector shall be liable to indictment for any neglect of duty, and upon conviction thereof shall forfeit and pay a sum not less than thirty dollars.

Inspector indictable for neglect of duty.

SECT. 12. *Be it further enacted by the authority aforesaid,* That it shall not be lawful for any owner or patroon of any boat in the city of Augusta, to receive on board

Owners, &c. of boats in Augusta shall

(No. 254.) his or their boat any barrel of flour, to be carried to Savannah, that shall not have been not receive on inspected, marked and branded as aforesaid; and any owner or patroon aforesaid, who board the shall violate this law, shall be liable to an indictment, and upon conviction thereof shall same any bar- be fined in a sum not exceeding one hundred dollars. rel of flour to be carried to Savannah, which has not been inspected, &c.

When this law shall operate.

SECT. 13. *And be it further enacted by the authority aforesaid,* That this law shall go into operation from and after the expiration of six months from the passing thereof, and not before.

Repealing clause.

SECT. 14. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tempore.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

(No. 255.)

AN ACT

To establish a Flour inspection in the town of Darien, in the county of M^cIntosh.

Flour inspection established in Darien.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,* That there shall be a flour inspection established in the town of Darien, in the county of M^cIntosh, under the same rules, regulations and restrictions as are prescribed for other flour inspections in this state, by an act, entitled "An act to establish and regulate the inspection of flour," passed on the 22d November, 1814; and all and every person or persons violating the provisions of the aforesaid act, at Darien, shall be subject to all the pains and penalties therein expressed for the town of Petersburg and cities of Augusta and Savannah.

Inspector, how appointed.

SECT. 2. *And be it further enacted,* That the Inferior Court of the county of M^cIntosh, or a majority of them, shall, at their first term after the passage of this act, and biennially thereafter, appoint one person of good repute, and a skilful judge of the quality of flour, to be inspector of flour in the town of Darien, in the county of M^cIntosh.

SECT. 3. *And be it further enacted*, That until the first term of the said Inferior Court, (No. 255.) the commissioners of the town of Darien; or a majority of them, shall appoint some fit and proper person to act as flour inspector for the town of Darien, until the meeting of the said court, and until the said court shall have made such appointments, which shall be at some one term of the said court, and biennially thereafter; and in case a vacancy shall happen, by death, resignation, refusal to serve or otherwise, the commissioners as aforesaid, or a majority of them, shall be, and they are hereby authorized and required to fill such vacancy; and the person so appointed shall continue to act until the term for which his predecessor was appointed shall have expired: *Provided nevertheless*, that no inspector shall be appointed for a longer term than two years.

A temporary inspector to be appointed by the commissioners of said town. Vacancies, how filled. Proviso.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

INSPECTION OF TOBACCO.

1815.

(No. 256.)

AN ACT

To regulate the inspection of Tobacco in this state.

Tobacco in-
spectors not
to burn any
tobacco.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, it shall not be lawful for any inspector of tobacco in this state to burn or cause to be burned any tobacco, in pursuance of any law heretofore passed in this state.

Duty of tobac-
co inspectors.

SECT. 2. *And be it further enacted,* That from and after the first day of January next, it shall be the duty of the inspectors of tobacco within this state to inspect any hogshead or hogsheads, cask or casks of tobacco, brought to the warehouse at which they are already or may hereafter be appointed inspector or inspectors; to inspect every such hogshead or hogsheads, cask or casks of tobacco so brought to the respective warehouses at which they were, or may hereafter be, appointed to inspect; to inspect all and every such hogshead or hogsheads, cask or casks of tobacco, brought to the respective warehouses within this state for inspection, by qualities; to wit, first, second, third, and fourth qualities; which qualities shall be fairly expressed in the face of the receipt or manifest which shall be given by the inspector who may inspect such tobacco.

How the
qualities of
tobacco shall
be designated.

Quality of the
tobacco to be
marked on the
head of each
cask or hogs-
head inspect-
ed, &c.

SECT. 3. *And be it further enacted,* That it shall be the duty of the inspectors aforesaid respectively, at or before the issuing such receipt or manifest, fairly and plainly to mark or stamp on each head of each hogshead or cask so to be inspected as aforesaid, the quality of the tobacco contained in such hogshead or cask; and it shall also be the duty of the said inspectors fairly and plainly to mark or stamp on each hogshead or cask as

aforesaid, the number, tare and nett weight, together with the initials of the name of the (No. 256.) owner.

SECT. 4. *And be it further enacted*, That before any inspector of tobacco shall proceed to inspect tobacco in pursuance of this act, they shall respectively take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear or affirm, that I will diligently and carefully view, examine and inspect all tobacco brought to the warehouse whereof I am appointed inspector, according to quality, and that not separate and apart from, but in presence of my fellow, and I will not change, alter or give out any tobacco other than such hogsheads or casks for which the receipt to be taken was given, but that I will in all things well and faithfully discharge my duty in the office of an inspector, to the best of my skill and judgment, according to the directions of this act, without fear, favour, affection or the hope of reward, malice or partiality; so help me God."

Oath of tobacco inspectors.

SECT. 5. *And be it further enacted*, That the proprietor of each warehouse shall be, and he is hereby entitled to demand and receive the sum of fifty cents for the storage of each hogshead of tobacco inspected at his warehouse: *Provided*, the said tobacco does not lay longer in such warehouse than twelve months; and for every month after, the proprietor or owner of such tobacco shall pay at the rate of twelve and a half cents per month; which duty or storage shall be paid to the several inspectors before the same be removed from the said warehouse, who shall be answerable to the owner or proprietor thereof for the full amount of such storage by them received.

Storage of tobacco.

Proviso.

SECT. 6. *And be it further enacted*, That all laws or parts of laws heretofore passed in this state, militating against this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 30th November, 1815.

D. B. MITCHELL, GOVERNOR.

INTEREST.

1814.

(No. 257.)

AN ACT

To establish an uniform mode of calculating Interest in this state, and to prevent the collection of Compound Interest.

Preamble.

WHEREAS, it is just and equitable that there shall be an uniform and definite mode practised throughout the state, for calculating interest :

Mode of calculating interest in this state.

SECT. 1. *BE it enacted therefore by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,*

That in future the mode of calculating interest in this state shall be at and after the rate of eight per cent. per annum ; and whenever any payment shall be made on any note, bond, or other instrument, demand, execution, or judgment, where any interest has accrued on any such note, bond, or other instrument, execution, or judgment, such payment shall, in the first place, be applied to the discharge of interest due ; and no part of the principal shall be considered as discharged until the interest shall have been first extinguished : *Provided nevertheless,* that in all cases where the payment made shall not be sufficient to discharge all the interest due at the time of payment, no interest shall, at any future payment, be calculated on the balance of interest which was left unpaid.

Proviso.

No part of a judgment shall draw in-

SECT. 2. *And be it further enacted,* That in all cases where judgments may hereafter be obtained, all such judgments shall be entered up for the principal sum due with the

interest, but no part of such judgment shall bear interest, except the principal which (No. 257.)
may be due on the original debt, any law, usage, custom or practice to the contrary notwithstanding.
terest, but the principal due on the original debt.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

X x

JOINT OBLIGORS.

1818.

(No. 258.)

AN ACT

Pointing out the mode of collecting a certain description of debts therein mentioned.

Any person holding a note, bill, &c. signed by two or more persons, and one or more of them die, shall not be compelled to sue the survivors alone; but may sue the survivor or the representatives of such deceased person, or the survivor with the representatives, at his option.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, where any person shall be in possession, (either in his own right, or in any other capacity,) of any note, bill, bond, or other obligation in writing, signed by two or more persons, and one or more of the persons, whose names are signed as aforesaid, shall die before the payment of the money, or the compliance with the condition of such bond or other obligation in writing, the person or persons holding such note, bill, bond, or other obligation in writing, shall not be compelled, as heretofore, to sue the survivor or survivors alone, but may, at his, her or their discretion, sue the survivor or survivors, or the representatives of such deceased person or persons, or the survivor or survivors, in the same action with the representative or representatives of such deceased person or persons, any law, usage or custom to the contrary notwithstanding: *Provided,* nothing in this act shall be so construed as to authorize the bringing of any action, of any kind whatever, against the representative or representatives of any estate or estates, until twelve months after the probate of the will, or the granting of letters of administration on such estate or estates.

Repealing clause.

SECT. 2. *And be it further enacted,* That all laws or parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

JUDICIARY LAWS.

(TIMES OF HOLDING COURTS.)

1811.

AN ACT*

(No. 259.)

To alter the time of the sitting of the Superior Courts in the county of Wayne.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the Superior Courts in the said county of Wayne shall be holden on the Thursday next before the first Monday in March, in the spring circuit, and on the Thursday next before the fourth Monday in October, in the fall circuit.

Time of holding the Superior Courts in Wayne county altered.

SECT. 2. *And be it further enacted,* That all writs and processes, returnable to the next term of the said Superior Court as now by law established, which may have been issued, or which shall be issued before the first day of January next, shall not be liable to any exception for error in the return thereof; but the same shall stand over and be acted upon, at the period herein pointed out for holding the said court.

act pointed out for holding said court.

SECT. 3. *And be it further enacted,* That all jurors, parties, witnesses, and other persons who may have been, or shall be summoned before the said first day of January next, to attend at the next term of the said Superior Court as now by law established,

Jurors, parties, &c. required to attend at the time herein pointed out for said court.

* See act of 1819, No. 282. (As that act fixes the times of holding the Superior and Inferior Courts throughout the state, I shall make no reference to the previous acts on the subject. COMPILER.)

(No. 259.) shall be, and they are hereby required to attend at the period herein pointed out for holding the said court, any thing in any law, or in the precepts to them directed, to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 29th November, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 260.)

AN ACT

To alter the time of holding the Superior and Inferior Courts for the county of Wilkes.

Times of holding the Superior and Inferior Courts of Wilkes altered.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That after the month of January next, the Superior Courts in the county of Wilkes shall be held on the first Monday in June and January; and the Inferior Courts of the said county shall be held on the fourth Monday in March and on the first Monday in August in each year.

Suitors, jurors and witnesses, required to attend at the time herein prescribed.

SECT. 2. *And be it further enacted,* That all suitors, jurors or witnesses, heretofore summoned, or that may hereafter be summoned, cited, or otherwise required by the proper authority, before the expiration of the time allowed to serve any precept or precepts, made returnable to Wilkes Inferior Court, March term, 1812, shall be transmitted and turned over to the said Inferior Court, so to be held on the fourth Monday in March next, to be acted upon in the same way as if such suitors, jurors or witnesses had been cited or summoned thereunto.

SECT. 3. *And be it further enacted*, That all laws or parts of laws heretofore passed on (No. 260.) this subject, militating against this act, be, and the same are hereby repealed.

Repealing
clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 261.)

To alter the time of holding the Inferior Court in the county of Pulaski.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That hereafter the Inferior Court of the county of Pulaski shall be holden on the third Monday in January and July, and that all jurors drawn for, and all writs or other proceedings made returnable to the heretofore regular term of said court, shall stand over and be considered as returnable to the term of said court as herein specified.

Time of holding the Inferior Court of Pulaski changed.

SECT. 2. *And be it further enacted*, That all laws or parts of laws militating against this act be, and the same are hereby repealed.

Repealing
clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 262.)

AN ACT

To alter and change the time of holding the Superior Courts in the county of Hancock.

Time of holding the Superior Courts in Hancock changed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the passing of this act the Superior Courts to be held for the county of Hancock, shall commence on the first Monday in February and August, instead of the third Mondays in said months, annually.

Writs, &c. to be acted upon at the time herein prescribed.

SECT. 2. *And be it further enacted,* That all writs and other processes heretofore issued, or which may issue, shall be returned and tried on the said first Monday in February and August, in the same manner they would otherwise have been, had not the times for holding said courts been altered and changed by this act.

Jurors, &c. required to attend at the time as altered.

SECT. 3. *And be it further enacted,* That all jurors, witnesses, parties to suits, or other persons whatsoever concerned, shall give their attendance on the aforesaid first Monday in February and August, as punctually as if thereto summoned, any law or usage to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 263.)

To authorize the Judge of the Superior Courts of the Western District to hold an extra session in the county of Lincoln.

WHEREAS, there was a failure in the Superior Court, which should have been holden in and for Lincoln county in October last, occasioned by the clerk of the said court refusing to qualify; and whereas, inconveniences are likely to result therefrom: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the judge of the Superior Courts of the western district be, and he is hereby authorized and empowered to hold a court in and for said county of Lincoln, on the second Monday in January next, and that all officers of said court, jurors and witnesses be required to attend, under the same penalties and the like restrictions as if the said court had been holden at the period heretofore pointed out by law for holding said court.

An extra session of the Superior Court in Lincoln county authorized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the jury drawn to serve at the court which should have been holden in and for said county of Lincoln in October last, be considered, held and taken as the jury for the term to be holden in pursuance of this act, they being summoned to attend at least ten days prior to the sitting thereof.

The jury drawn for the regular term shall serve at said extra session.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all witnesses, and every other person or persons, who were bound by recognisance or otherwise to attend the court which should have been holden in said county of Lincoln in October last, and who shall not have been discharged by due course of law, be, and they are hereby required, under the same penalties, to attend the court which shall be holden in pursuance of this act.

Witnesses, &c. bound to attend at the regular term, required to attend at the extra session.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR

(No. 264.)

AN ACT

To authorize the Judge of the Superior Courts of the Middle Circuit to hold an extra session in the county of Washington.

Preamble.

WHEREAS, there was a failure of the Superior Court which should have been holden in and for Washington county, on the first Monday in November, instant; and whereas, inconveniences are likely to result therefrom: for remedy whereof,

An extra session of the Superior Court in the county of Washington authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the judge of the Superior Courts for the middle circuit be, and he is hereby authorized and empowered to hold, in and for the said county of Washington, a court on the second Monday in January next; and that all officers of said court, jurors and witnesses, be required to attend, under the same penalties and like restrictions as if said court had been holden at the period heretofore pointed out by law for the holding of said court.

The jury drawn for the regular term shall serve at the extra session.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the jury drawn to serve at the court which should have been holden for said county of Washington, on the first Monday in November instant, be considered, held and taken as the jury for the term to be holden in pursuance of this act.

Persons bound to attend at the regular term, required to attend at said extra session.

SECT. 3. *And be it further enacted by the authority of the same,* That all and every person and persons, who were bound, by recognisance or otherwise, to attend the court which should have been holden in Washington county, on the first Monday in November instant, and who shall not have been discharged by due course of law, be, and they are hereby required, under the same penalties, to attend the court which shall be holden in pursuance of this act.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 30th November, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 265.)

To authorize the Judge of the Ocmulgee district to hold an extra session in the county of Baldwin.

WHEREAS, there was a failure of the Superior Court which should have been holden in and for the county of Baldwin, on the third Monday in September last; and whereas, inconveniences are likely to result therefrom: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the judge of the Superior Court of the Ocmulgee circuit be, and he is hereby authorized and empowered to hold a court in and for the said county of Baldwin, on the fourth Monday in January next, and that all officers of said court, jurors and witnesses, be required to attend, under the same penalties, and under the like restrictions, as if the said court had been holden on the third Monday in September last.

An extra session of the Superior Court in Baldwin county authorized. Officers, &c. required to attend thereat.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the jury drawn to serve at the court which should have been holden in and for the said county of Baldwin, on the third Monday in September last, be considered, held and taken as the jury for the term to be holden in pursuance of this act.

Jury drawn for the regular court, shall serve at said extra session.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all and every person and persons, who were bound, by recognisance or otherwise, to attend the court which should have been holden in Baldwin county, on the third Monday in September last, and who shall not have been discharged by a due course of law, be, and they are hereby required, under the same penalties, to attend the court which shall be holden in pursuance of this act.

Persons bound by recognisance or otherwise, to attend at the regular term, shall attend at said extra session.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

(No. 266.)

AN ACT

To alter the time of holding the Superior Courts for the county of Wilkes, and allowing the entering of Appeals, as pointed out by this act.

Time of holding the Superior Court in the county of Wilkes altered.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the Superior Courts to be held for the county of Wilkes shall be on the third Monday in January and the first Monday in June, in each year, any law to the contrary notwithstanding.*

Writs, &c. to be acted on at the time herein prescribed.

SECT. 2. *And be it further enacted, That all writs and processes heretofore issued, or which may issue, shall be returned and tried on the third Monday in January and the first Monday in June, in the same manner they would otherwise have been, had not the times for holding said courts been altered and changed by this act.*

All jurors, &c. required to attend at the time as altered.

SECT. 3. *And be it further enacted, That all jurors, witnesses, parties to suits, or other persons whatsoever concerned, shall give their attendance on the aforesaid third Monday in January and first Monday in June, as punctually as if thereto summoned, any law or usage to the contrary notwithstanding.*

When there has been a failure to hold an adjourned court, appeals may be entered at the next regular session.

SECT. 4. *And be it further enacted, That in all cases, in any of the counties of this state, where a failure to hold adjourned courts may have prevented persons entitled to an appeal from the benefit of said appeal, the court, at their next regular session thereafter, shall allow said persons to appeal in manner and form as they would have been entitled to appeal at said adjourned courts, any law, usage or custom to the contrary notwithstanding.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 267.)

To alter the times of holding the Superior Courts of the Middle Circuit in this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the end of the present circuit of the Superior Courts in the Middle Circuit of this state, the said Superior Courts shall be holden as follows :

Times of holding the Superior Courts in the Middle circuit altered.

SPRING CIRCUIT.

On the third Monday in February, in the county of Jefferson ; on the fourth Monday in February, in the county of Warren ; on the first Monday in March, in the county of Columbia ; on the second Monday in March, in the county of Scriven ; on the third Monday in March, in the county of Burke ; on the fourth Monday in March, in the county of Washington ; on the Monday thereafter, in the county of Montgomery ; on the Monday thereafter, in the county of Tatnall ; on the Monday thereafter, in the county of Emanuel ; and on the fourth Monday in May, in the county of Richmond.

Spring Circuit.

FALL CIRCUIT.

On the third Monday in August, in the county of Jefferson ; on the fourth Monday in August, in the county of Warren ; on the first Monday in September, in the county of Columbia ; on the second Monday in September, in the county of Scriven ; on the third Monday in September, in the county of Burke ; on the fourth Monday in September, in the county of Washington ; on the Monday thereafter, in the county of Montgomery ; on the Monday thereafter, in the county of Tatnall ; on the Friday thereafter, in the county of Emanuel ; and on the second Monday in January, in the county of Richmond.

Fall Circuit.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all writs, suits, recognisances, together with other matters and things which may have been made returnable to the days heretofore appointed for holding the said courts, shall be made returnable as herein pointed out, any law, usage or custom to the contrary notwithstanding.

All writs, &c. made returnable to the courts as altered by this act.

(No. 267.) SECT. 3. *And be it further enacted by the authority of the same,* That all laws or parts of laws militating against this act be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 9th November, 1814.

PETER EARLY, GOVERNOR.

(No. 268.)

AN ACT

To alter the time of holding the Superior Courts in the county of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passage of this act, the Superior Courts of Lincoln county shall be held on the second Monday in January and last Monday in May, in every year, any law to the contrary notwithstanding.

Time of holding the Superior Court in Lincoln county altered.

All writs, &c. to be acted upon at the times herein pointed out.

SECT. 2. *And be it further enacted,* That all writs and precepts heretofore issued, or which may hereafter issue, shall be returned and tried on the second Monday in January and last Monday in May, in the same manner they would otherwise have been, had not the time for holding said courts been altered and changed by this act.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 269.)

To alter the times of holding the Superior Courts in the Middle and Eastern Circuits of this state, and the Western Circuit, so far as respects the county of Lincoln.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the expiration of the present circuit of the Superior Courts in the Middle Circuit of this state, the said Superior Courts shall be holden as follows :

Times of holding courts in the Middle Judicial Circuit prescribed.

SPRING CIRCUIT.

On the fourth Monday in March, in the county of Columbia ; on the first Monday in April, in the county of Warren ; on the second Monday in April, in the county of Jefferson ; on the third Monday in April, in the county of Washington ; on the fourth Monday in April, in the county of Montgomery ; on the Monday thereafter, in the county of Tatnall ; on the Monday thereafter, in the county of Emanuel ; on the Monday thereafter, in the county of Scriven ; on the fourth Monday in May, in the county of Burke ; and on the first Monday in June, in the county of Richmond.

Spring Circuit.

FALL CIRCUIT.

On the last Monday in September, in the county of Warren ; on the first Tuesday next after the first Monday in October, in the county of Columbia ; on the third Monday in October, in the county of Richmond ; on the second Monday in November, in the county of Jefferson ; on the third Monday in November, in the county of Washington ; on the fourth Monday in November, in the county of Montgomery ; on the Monday thereafter, in the county of Tatnall ; on the Friday thereafter, in the county of Emanuel ; on the second Monday in December, in the county of Scriven ; and on the third Monday in December, in the county of Burke.

Fall Circuit

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the expiration of the present circuit of the Superior Courts in the Eastern Circuit of this state, the said Superior Courts shall be holden as follows :

(No. 269.)

SPRING CIRCUIT.

Spring
Circuit.

On the third Monday in March, in Camden; on the Friday thereafter, in Wayne; on the Monday thereafter, in Glynn; on the Monday thereafter, in M^cIntosh; on the Monday thereafter, in Liberty; on the Thursday thereafter, in Bryan; on the Monday thereafter in Bulloch; on the Thursday thereafter, in Effingham; and in Chatham, on the fourth Monday in May.

FALL CIRCUIT.

Fall Circuit.

On the last Monday in October, in Camden; on the Friday thereafter, in Wayne; on the Monday thereafter, in Glynn; on the Monday thereafter, in M^cIntosh; on the Monday thereafter, in Liberty; on the Thursday thereafter, in Bryan; on the Monday thereafter, in Bulloch; on the Thursday thereafter, in Effingham; and in Chatham, on the first Monday in January.

Times of hold-
ing the Supe-
rior Courts in
Lincoln
county.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the time of holding the Superior Courts in Lincoln county shall be the fourth Monday in April and October in every year, any law to the contrary notwithstanding.

All writs, &c.
shall be con-
sidered re-
turnable to
the court
terms pre-
scribed in
this act.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all writs, bills, suits, recognisances, executions, and all other matters and things which have been made returnable to the days or periods heretofore appointed for holding said courts, shall be considered, held and taken as returnable to the times herein pointed out for holding courts in the respective counties aforesaid, any law, usage or custom to the contrary notwithstanding.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all laws or parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 270.)

To repeal the fourth section of An act to alter the time of holding the Superior Courts in three several circuits in this state, passed the 15th day of December, 1809, so far as relates to the Western and Middle Circuits.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the first day of January next, said fourth section of the before recited act be, and the same is hereby repealed, so far as the same relates to the Western and Middle Circuits.

After the first of January next the fourth section of the recited act repealed, so far as it relates to the Western and Middle Circuits.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented-to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 271.)

To change the times of holding the Inferior Courts in the county of Jasper.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately from and after the passing of this act, the times of holding the Inferior Courts in the county of Jasper shall be on the second Mondays in May and October in each year.

Times of holding the Inferior Courts in Jasper county.

SECT. 2. *And be it further enacted,* That the jurors and witnesses summoned to appear before such courts, and all writs and recognisances returnable on the days upon which said courts would have been held under the laws heretofore in force, shall be

Jurors, &c. shall attend the court terms as altered, and

(No. 271.) returnable to the several days herein before specified for holding of the said courts in writs, &c. the aforesaid county of Jasper, any law, usage or custom to the contrary notwithstanding. made returnable thereto.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 272.)

AN ACT

To alter the times of holding the Superior Courts of the Middle Circuit, in this state.

Courts of the
Middle Circuit
when held.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the end of the present circuit of the Superior Courts in the Middle Circuit of this state, the said Superior Courts shall be holden as follows:

SPRING CIRCUIT.

Spring
Circuit.

On the third Monday in February, in the county of Jefferson; on the fourth Monday in February, in the county of Warren; on the first Monday in March, in the county of Columbia; on the second Monday in March, in the county of Scriven; on the third Monday of March, in the county of Burke; on the fourth Monday in March, in the county of Washington; on the Monday thereafter, in the county of Montgomery; on the Monday thereafter, in the county of Tatnall; on the Monday thereafter, in the county of Emanuel; and on the first Monday in June, in the county of Richmond.

FALL CIRCUIT.

Fall Circuit.

On the third Monday in August, in the county of Jefferson; on the fourth Monday in August, in the county of Warren; on the first Monday of September, in the county of Columbia; on the second Monday in September, in the county of Scriven; on the third Monday in September, in the county of Burke; on the fourth Monday in Septem-

ber, in the county of Washington ; on the Monday thereafter, in the county of Montgo- (No. 272.)
mery ; on the Monday thereafter, in the county of Tatnall ; on the Friday thereafter, in
the county of Emanuel ; and on the second Monday in January, in the county of Rich-
mond.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all writs, suits, Writs, &c.
recognisances, together with all other matters and things which may have been made made return-
returnable to the days heretofore appointed for holding the said courts, shall be made able to the
returnable as herein pointed out, any law, usage or custom to the contrary notwith- times pre-
standing. scribed in this
act.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all laws or Repealing
parts of laws militating against this act be, and the same are hereby repealed. clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 273.)

*To alter the time of holding the Superior and Inferior Courts in the county of
Wilkes, and the fall term of the Superior Court of the county of Madison.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of
Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* Times of hold-
That from and after the passage of this act, the Superior Courts in the county of ing Superior
Wilkes shall be held on the third Monday in February and July, in each year ; and Courts in
that the Inferior Courts in the said county shall be held on the second Monday in Wilkes coun-
April, and on the Tuesday after the first Monday in October, in each year. ty.
Inferior
Courts, when
held.

SECT. 2. *And be it further enacted,* That all suitors, jurors or witnesses heretofore Jurors, &c. re-
summoned, or that may hereafter be summoned, cited, or otherwise required by the quired to at-
tend said

(No. 273.) proper authority, before the expiration of the time allowed, to serve any precept or precepts made returnable to the said Superior and Inferior Courts of the said county of Wilkes, shall be transmitted and turned over to the said Superior and Inferior Courts, so to be held as aforesaid, to be acted upon in the same way and manner as if such suitors or witnesses, or others concerned, had been cited or summoned thereto.

Fall term of
Madison Su-
perior Court.

SECT. 3. *And be it further enacted*, That the fall term of the Superior Court of the county of Madison shall be holden on the Thursday after the first Monday in October, in each year.

Writs, &c.
made return-
able at the
times pre-
scribed above.

SECT. 4. *And be it further enacted*, That all writs, processes, precepts, &c. which would have been returned to the regular term of said courts, shall be returned to the time to which the courts are directed to sit by this law.

Repealing
clause.

SECT. 5. *And be it further enacted*, That all laws or parts of laws heretofore passed on this subject, militating against this act, be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 274.)

AN ACT

*To authorize an extra session of the Superior Court in the counties of Wilkin-
son and Laurens.*

Preamble.

WHEREAS, from indisposition of the family of the honourable Judge Strong, no Superior Court was holden in the said counties of Wilkinson and Laurens for October term last:

An extra ses-
sion of the Su-
perior Court
authorized to
be held in

SECT. 1. *BE it therefore enacted by the General Assembly of the state of Georgia, and by the authority of the same*, That the judge of the Superior Court for the Ocmulgee circuit is hereby authorized and required to hold an extra session of the Superior

Court in the said counties, to commence in Wilkinson on Wednesday the seventh day (No. 274.) of January next, and in Laurens, on Monday the twelfth.

Wilkinson and Laurens counties.

SECT. 2. *And be it further enacted*, That all writs, precepts and process, of any kind or nature whatsoever, made returnable to the heretofore regular terms of said courts, shall stand over and be deemed as valid, to all intents and purposes, as if the same were made returnable to the terms herein before specified.

Writs &c. returnable to the regular term, shall stand over to be acted on at said extra sessions.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 3d December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 275.)

To alter the time and establish the periods for holding the several Superior Courts of the Middle Circuit in this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of July next, the several Superior Courts of the middle circuit of this state shall be holden at the periods herein stipulated.

Middle circuit, times of holding courts therein.

SPRING CIRCUIT.

On the fourth Monday in February, in the county of Columbia; on the second Monday in March, in the county of Warren; on the third Monday in March, in the county of Washington; on the fourth Monday in March, in the county of Montgomery; on the Thursday thereafter, in the county of Tatnall; on the Monday thereafter, in the county of Emanuel; on the Monday thereafter, in the county of Scriven; on the Monday thereafter, in the county of Burke; on the Monday thereafter, in the county of Jefferson; on the first Monday in June, in the county of Richmond.

Spring Circuit

(No. 275.)

AUTUMN CIRCUIT.

Autumn Circuit.

On the first Monday in September, in the county of Warren; on the second Monday in September, in the county of Columbia; on the fourth Monday in September, in the county of Jefferson; on the second Monday in October, in the county of Washington; on the Monday thereafter, in the county of Montgomery; on the Monday thereafter, in the county of Tatnall; on the Monday thereafter, in the county of Emanuel; on the Monday thereafter, in the county of Scriven; on the Monday thereafter, in the county of Burke; on the second Monday in January, in the county of Richmond.

Repealing clause.

SECT. 2. *And be it further enacted by the authority aforesaid, That all acts and parts of acts militating against this act be, and the same are hereby repealed.*

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 11th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 276.)

AN ACT

To alter the time of holding the Superior and Inferior Courts in the county of Twiggs.

Time of holding Superior Courts in Twiggs county. Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Superior Courts in the county of Twiggs shall be held on the first Monday in February and August in each year; and that the Inferior Courts in said county shall be held on the first Monday in May and November in each year: Provided nevertheless, That the grand and petit jurors that may be drawn at the next adjourned term of the said Superior Court be, and they are hereby required to serve at the next August term of said court.*

SECT. 2. *And be it further enacted*, That suitors, jurors or witnesses heretofore summoned, or that may hereafter be summoned, cited, or otherwise required by the proper authority, before the expiration of the time allowed to serve any precept or precepts, made returnable to said Superior and Inferior Courts of the said county of Twiggs, shall be transmitted and turned over to the said Superior and Inferior Courts, so to be held as aforesaid, to be acted upon in the same way and manner as if such suitors or witnesses, or others concerned, had been cited or summoned thereto. (No. 276.)

Suitors, jurors, &c. required to attend said courts at the times prescribed above.

SECT. 3. *And be it further enacted*, That all writs, process, &c. &c., which would have been returned to the regular term of said courts, shall be returned to the time to which the courts are directed to sit by law. Writs, &c. returns thereof regulated.

SECT. 4. *And be it further enacted*, That all laws or parts of laws heretofore passed on this subject, militating against this act, be, and the same are hereby repealed. Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 277.)

To amend An act to organize the counties lying between the rivers Oconee and Ocmulgee, and to form a Judicial Circuit, so far as respects the time of holding the Inferior Court in Wilkinson county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That from and immediately after the passage of this act, the time for holding the Inferior Court in the county of Wilkinson, shall be on the Tuesday after the first Monday in January and July in each year, any law to the contrary notwithstanding. Inferior Court of Wilkinson county, when held.

SECT. 2. *And be it further enacted*, That all process issuing from said court shall be made returnable at the aforesaid time or times of holding the same; and all jurors Return of processes regulated.

(No. 277.) and witnesses summoned to attend said court, are hereby required to give their attendance at the court-house in said county, at the times herein pointed out for holding the Jurors, &c. their attendance required. same.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 278.)

AN ACT

To alter and amend an act, entitled An act to alter the times of holding the Superior Courts in the Middle and Eastern Circuits of this state, so far as respects the counties of Camden and Wayne.

Times of holding the Superior Courts in the eastern circuit regulated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the expiration of the present circuit of the Superior Courts in the eastern circuit of this state, the said Superior Courts shall be holden as follows:*

SPRING CIRCUIT.

Spring Circuit.

On the second Thursday in March, in Wayne; on the Monday thereafter, in Camden; on the Monday thereafter, in Glynn; on the Monday thereafter, in McIntosh; on the Monday thereafter, in Liberty; on the Thursday thereafter, in Bryan; on the Monday thereafter, in Bulloch; on the Thursday thereafter, in Effingham; and in Chatham, on the fourth Monday in May.

FALL CIRCUIT.

Fall Circuit.

On the Thursday before the last Monday in October, in Wayne; on the Monday thereafter, in Camden; on the Monday thereafter, in Glynn; on the Monday thereafter, in McIntosh; on the Monday thereafter, in Liberty; on the Thursday thereafter, in Bryan; on the Monday thereafter, in Bulloch; on the Thursday thereafter, in Effingham; and in Chatham, on the first Monday in January.

SECT. 2. *And be it further enacted*, That the grand and petit jurors, with all suits, (No. 278.) criminal or civil, and recognisances made returnable to courts in Wayne as heretofore, shall be made returnable to the courts as altered by this act, any law to the contrary notwithstanding.

Jurors, suits,
&c. in Wayne
county.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 279.)

To alter the time of holding the Inferior Courts of the county of Elbert.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the first day of January, in the year eighteen hundred and eighteen, the time of holding the Inferior Court of Elbert county shall be as follows: On the first Monday in February and on the first Monday in July in every year; and that all writs, process and returns, which would have been legal at the first term of said court, in the year eighteen hundred and eighteen, shall be held and considered legal at the next term of said court, as pointed out by this act; and that jurors and witnesses shall be bound to attend at the first term of said court, if they have been legally summoned, as if said court came at the usual time.

Inferior
Courts of El-
bert county
when held.
Return of
writs, &c.
regulated.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 280.)

AN ACT

To alter the time of holding the Inferior Courts, and the spring term of the Superior Court of the county of Madison, and the spring term of the Inferior Court of the county of Wilkes.

Inferior Court
of Madison
county, when
held.

Spring term
of the Super-
ior Court.

Spring term
of the Inferior
Court of
Wilkes county

Suitors, &c.
required to
attend at the
times afore-
said.

Repealing
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, that the Inferior Courts of the county of Madison shall be held on the Thursday after the first Monday in February and July in each year; and that the spring term of the Superior Court, in said county of Madison, shall be held on Thursday after the first Monday in April in each year.

SECT. 2. *And be it further enacted,* That the spring term of the Inferior Court of the county of Wilkes, shall be held on the first Monday in April in each year.

SECT. 3. *And be it further enacted,* That all suitors, jurors and witnesses heretofore summoned, or that may hereafter be summoned, cited, or otherwise required by the proper authority, before the expiration of the time allowed to serve any precept or process or writ, made returnable to said courts of the said counties, shall be transmitted and turned over to the said courts to be held as aforesaid, to be acted upon in the same way and manner as if such suitors or witnesses, or others concerned, had been cited or summoned thereto.

SECT. 4. *And be it further enacted,* That all laws and parts of laws militating against this law be, and the same are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 15th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 281.)

To lay off six Judicial Circuits in this state, including those already laid out.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the state of Georgia be, and the same is hereby laid off into six judicial circuits or districts, as follows, to wit: the counties of Twiggs, Laurens, Pulaski, Montgomery, Telfair, Appling, Irwin and Early, shall form and compose one circuit, to be called and known by the name of the Southern Circuit; the counties of Wayne, Camden, Glynn, McIntosh, Liberty, Bryan, Chatham and Effingham, shall form and compose one other circuit, to be called and known by the name of the Eastern Circuit; the counties of Burke, Jefferson, Washington, Emanuel, Tatnall, Bulloch,* Scriven and Richmond, shall form and compose one other circuit, to be called and known by the name of the Middle Circuit; the counties of Elbert, Lincoln, Columbia,* Warren, Hancock, Oglethorpe and Wilkes, shall form and compose one other circuit, to be called and known by the name of the Northern Circuit; the counties of Jackson, Franklin, Madison,* Clarke, Walton, Gwinnett, Hall and Habersham, shall form and compose one other circuit, to be called and known by the name of the Western Circuit; and the counties of Morgan, Jasper, Jones, Baldwin, Wilkinson, Putnam and Greene, shall form and compose one other circuit, to be called and known by the name of the Ocmulgee Circuit.

The state laid off into six judicial circuits.

Southern Circuit.

Eastern Circuit.

Middle Circuit.

Northern Circuit.

Western Circuit.

Ocmulgee Circuit.

SECT. 2. *And be it further enacted,* That at the meeting of the General Assembly, in November, eighteen hundred and nineteen, they shall, as soon as may be convenient, proceed to the election of six judges of the Superior Courts, one attorney and five solicitors general, for the organization of the said several circuits.

Judges, &c. to be elected by the legislature in 1819.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

* See the act following this, by which Columbia is attached to the Middle Circuit, Madison to the Northern, and Bulloch to the Eastern.

(No. 282.)

AN ACT

To alter and fix the time of holding the Superior and Inferior Courts in the several Judicial Circuits in this state, and to add the county of Madison to the Northern, and the county of Bulloch to the Eastern, and the county of Columbia to the Middle Circuits.

Times of holding the Superior and Inferior Courts in the several circuits of the state, regulated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the times for holding the Superior and Inferior Courts in the several circuits in this state, shall be as follows:

WESTERN CIRCUIT.

Western Circuit.

In the county of Rabun, on the third Monday in February and August; Habersham, on Thursday after the third Monday in February and August; Franklin, on the fourth Monday in February and August; Walton, on Thursday after the first Monday in March and September; Gwinnett, on second Monday in March and September; Hall, on third Monday in March and September; Jackson, on fourth Monday in March and September; Clark, on first Monday in April, and Tuesday after first Monday in October.

NORTHERN CIRCUIT.

Northern Circuit.

In the counties of Lincoln, fourth Monday in April and October; Elbert, second Monday in March and September; Madison, third Monday in March and September; Warren, first Monday in April, and Tuesday after the first Monday in October; Hancock, second Mondays in April and October; Oglethorpe, third Mondays in April and October; Wilkes, third Mondays in February and July.

SOUTHERN CIRCUIT.

Southern Circuit.

In the counties of Laurens, first Mondays in March and September; Montgomery, second Mondays in March and September; Appling, Thursday thereafter; Telfair, third Monday in March and September; Irwin, Thursday thereafter; Early, first Mondays in April and October; Pulaski, second Mondays in April and October; Twiggs, third Mondays in April and October.

OCMULGEE CIRCUIT.

(No. 282.)

In the counties of Morgan, first Monday in February and August; Greene, second Monday in February and August; Putnam, third Mondays in February and August; Baldwin, fourth Mondays in February and August; Wilkinson, Wednesday after first Monday in March, and on first Monday in September; Jones, second Mondays in March and September; Jasper, third Mondays in March and September.

Omulse Circuit.

MIDDLE CIRCUIT.—SPRING CIRCUIT.

Second Mondays in March, in the county of Columbia; fourth Mondays in March, in Washington; Thursday after the first Monday in April, in Tatnall; Monday thereafter, in Emanuel; Monday thereafter, in Scriven; Monday thereafter, in Burke; Monday thereafter, in Jefferson; third Monday in May, in Richmond.

Middle Circuit.
Spring Circuit thereof

MIDDLE CIRCUIT.—FALL CIRCUIT.

Second Monday in September, in the county of Columbia; fourth Monday in September, in the county of Burke; Wednesday after the first Monday in October, in Jefferson; second Monday in October, in Washington; third Monday in October, in Emanuel; fourth Monday in October, in Tatnall; first Monday in November, in Scriven; second Monday in November, in Richmond.

Fall Circuit thereof.

EASTERN CIRCUIT.—SPRING CIRCUIT.

In the county of Wayne, on the second Tuesday in March; on the Monday thereafter, in Camden; on the Monday thereafter, in Glynn; on the Monday thereafter, in McIntosh; on the Monday thereafter, in Liberty; on the Thursday thereafter, in Bryan; on the Monday thereafter, in Bulloch; on the Thursday thereafter, in Effingham; and in Chatham, on the fourth Monday in May.

Eastern Circuit.
Spring Circuit thereof.

EASTERN CIRCUIT.—FALL CIRCUIT.

On the Thursday before the last Monday in October, in the county of Wayne; on the Monday thereafter, in Camden; on the Monday thereafter, in Glynn; on the Monday thereafter, in McIntosh; on the Monday thereafter, in Liberty; on the Thursday thereafter, in Bryan; on the Monday thereafter, in Bulloch; on the Thursday thereafter, in Effingham; and in Chatham on the first Monday in January.

Fall Circuit thereof.

(No. 282.)

INFERIOR COURTS.—NORTHERN CIRCUIT.

Inferior
Courts of the
Northern Cir-
cuit.

In the county of Lincoln, on the first Tuesday in January, and first Monday in July; Elbert, second Mondays in January and July; Madison, third Mondays in January and July; Warren, second Mondays in February and August; Hancock, first Mondays in February and August; Oglethorpe, third Mondays in January and June; Wilkes, third Mondays in May and October.

OCMULGEE CIRCUIT.

Inferior
Courts of the
Ocmulgee
Circuit.

In the county of Morgan, on the first Monday in May, and first Tuesday in October; Greene, second Mondays in May and October; Putnam, third Mondays in May and October; Baldwin, fourth Mondays in May and October; Wilkinson, second Mondays in June and December; Jones, third Mondays in June and December; Jasper, fourth Mondays in June and December.

MIDDLE CIRCUIT.

Inferior
Courts of the
Middle Cir-
cuit.

In the county of Columbia, third Mondays in June and December; Richmond, fourth Mondays in June and December; Burke, first Mondays in January and July; Scriven, second Mondays in January and July; Jefferson, third Mondays in January and July; Washington, fourth Mondays in January and July; Emanuel, first Mondays in February and August; Tatnall, second Mondays in February and August.

WESTERN CIRCUIT.

Inferior
Courts of the
Western Cir-
cuit.

In the county of Rabun, Thursdays after second Mondays in May and November; Habersham, third Mondays in May and November; Franklin, fourth Mondays in May and November; Walton, first Mondays in June and December; Gwinnett, second Mondays in June and December; Hall, third Mondays in June and December; Jackson, first Mondays in February and July; Clark, fourth Mondays in January and July.

SOUTHERN CIRCUIT.

of the South-
ern Circuit.

Laurens, first Mondays in June and December; Montgomery, second Mondays in June and December; Appling, third Mondays in June and December; Telfair, first Mondays in February and August; Irwin, first Mondays in January and July; Early, second Mondays in January and July; Pulaski, third Mondays in January and July; Twiggs, fourth Mondays in January and July.

(No. 282.)

EASTERN CIRCUIT.

Third Mondays in May and December, in the county of Liberty; in Wayne, last Mondays in May and December; Camden, first Mondays in January and June; Glynn, second Mondays in January and June; McIntosh, third Mondays in January and June; Bryan, fourth Mondays in January and June; Bulloch, first Mondays in February and July; Effingham, second Mondays in February and July; Chatham, third Mondays in February and July.

Eastern Circuit.

SECT. 2. *And be it further enacted*, That all petitions, processes, bills, summons, subpœnas, and all other processes whatsoever, returnable heretofore to said courts at any other times than those herein before mentioned, be, and the same are made returnable to the courts, and at the times above stated; and all parties, jurors, witnesses and other persons required to attend at any other times, are required to appear as herein appointed.

Petitions, processes, &c. their return regulated.

Parties, jurors, &c. required to attend at the periods prescribed in this act.

SECT. 3. *And be it further enacted*, That the county of Madison be, and the same is hereby attached to the Northern Circuit.

Madison county added to the Northern Circuit.

SECT. 4. *And be it further enacted*, That the county of Bulloch be, and the same is hereby added to, and become a part of the Eastern Judicial Circuit, any law to the contrary notwithstanding; and the county of Columbia be, and the same is hereby added and restored to the Middle Circuit.

Bulloch attached to the Eastern, and Columbia to the Middle Circuit.

SECT. 5. *And be it further enacted*, That the changes in the times of holding the Inferior Courts of the counties of Greene and Columbia, shall not take effect until the end of the ensuing term of the said Inferior Courts of said counties, to be holden on the third Monday in this inst. *Provided nevertheless*, that the first Inferior Court in the county of Lincoln, shall be held on the second Monday in February; in Elbert, on the first Monday in February; in Jasper, on the fourth Monday in June next; and that nothing herein contained shall affect or alter the time of holding the next Inferior Court of Morgan county, any thing in the said act to the contrary notwithstanding.

The change in the time of the Inferior Courts of Greene and Columbia, when to take place.

Proviso.

SECT. 6. *And be it further enacted*, That it shall be the duty of the clerks of the Superior and Inferior Courts of the several counties of this state to advertise, once, at some public place in each captain's district of their respective counties, any alteration

Clerks shall advertise any alteration made by this act in the

(No. 282.) that may be made by this act in the times of holding the courts, of which they are acting as clerk.
 times of holding the courts of which they are clerks.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 283.)

AN ACT

To authorize the Judge of the Superior Courts of the Southern Circuit to hold an extra court in the county of Pulaski.

An extra session of the Superior Court in Pulaski county authorized.

Processes, &c. regulated.

Jurors, who were summoned to attend at the regular term, required to attend said extra session. Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the judge of the Superior Courts for the Southern Circuit be, and he is hereby authorized to hold an extra court on the third Monday in January next, in the county of Pulaski, and that all processes, recognisances, and other matters, which were returnable to October term last, be, and the same are hereby made returnable to the said extra court; and all jurors who were summoned to attend the said October term, shall be compelled to attend the said extra court, they being respectively notified of the same, by the sheriff of said county, at least twenty days before the sitting of said court: *Provided*, that nothing herein contained, shall be so construed as to legalize any acts or doings of the sheriff, nominated by the justices of the Inferior Court of said county.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

JUDICIARY LAWS.

AN ACT

1811.

(No. 284.)

To amend the fifty-sixth section of the Judiciary Law of this state.

WHEREAS, inconvenience hath been experienced in our courts by administering the oath to the special jury in every cause submitted to them: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That* the oath to be administered to special jurors, (except in cases of divorce,) shall be in the words following, to wit: "You shall well and truly try each cause submitted to you during the present term, and a true verdict give, according to equity, and the opinion you entertain of the evidence produced to you, to the best of your skill and knowledge, without favour or affection to either party: *Provided*, you are not discharged from the consideration of the case or cases submitted; so help you God."

The oath of special jurors (except in cases of divorce.)

SECT. 2. *And be it further enacted, That* the said fifty-sixth section of the judiciary law be, and the same is hereby repealed.

Repealing clause.

ROBERT IVERSON,
Speaker of the House of Representatives

MATTHEW TALBOT, .
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.
Assented to, 4th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 285.)

AN ACT*

To alter and amend the several Judiciary Acts now in force in this state, so far as relates to Justices' Courts.

Preamble. WHEREAS, the said acts are not found to answer the purpose for which they were intended:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

Jurisdiction of the justices of the peace, §30. That from and after the passing of this act, the justices of the peace in the respective company districts, or any one or more of them, shall have authority and jurisdiction to to hear and determine all suits on any liquidated demand or account, for any sums of money not exceeding thirty dollars,† by summons or warrant: *Provided*, that no justice of the Inferior Court, clerk, sheriff, or practising attorney, being a justice of the peace, shall try any warrant, or give judgment thereon in any civil case whatsoever; and the said justices are hereby authorized and empowered to give judgment and award execution thereupon: *Provided nevertheless*, that either party being dissatisfied, shall be allowed an appeal on payment of costs, and giving security for the eventual condemnation money within three days after judgment; or the party cast may stay the levy of execution forty days, on payment of costs, and giving security within four days after judgment; but no stay of execution shall be allowed after an appeal trial, for a longer time than twenty days; in which case, the security on the appeal, together with the security for the stay of execution, shall be liable for the debt and cost. And it shall be lawful for any person or persons, who has or have in his, her or their hands, any bond, note, or account, which was given for any sum exceeding thirty dollars, and the amount of which has been reduced by any payment or payments, or effects, to the sum of thirty dollars, or under, and which payment or payments, are endorsed on the back of such bond, note, or account; or where any bond, note, account, or other agreement, (gaming debts excepted,) which, in its original, exceeded the sum of thirty dollars, but has been reduced by bond or bonds, note or notes, although of equal date, and payable at the same time, to a sum or sums under, or of thirty dollars each, that then, and in every

Proviso.

Proviso, as to appeals.

Stay of execution.

Debts which originally exceeded §30, but which have been reduced to, or under that sum by payments, may be sued for in Justices' courts.

Jurisdiction also given, when large debts are divided into small notes, &c.

* See act of 1816, No. 292, supplementary to this act.

† Judgments may be given for §30, exclusive of interest and costs; see act of 1819, No. 295, which makes the first term the appearance term, and the second term the judgment term. The appearance dockets shall be called at the first term, and judgments by default entered as in the Superior Courts.

such case, it shall and may be lawful for any person or persons, who has or have in his, (No. 285.) her or their hands, any such note or notes, bond or bonds, or accounts as aforesaid, to bring suit thereon in the justices' court, in the district where the debtor or debtors may reside; and the justice or justices are hereby authorized to give judgment for whatever sum in his judgment appears to be due.

SECT. 2. *And be it further enacted*, That all such appeals shall be tried before any one or more justice or justices, in the company district in which the cause originated, by five jurors, to be drawn, impannelled and sworn, as herein after directed, and in no other manner whatsoever, whose verdict shall be final and conclusive between the parties (except removed by certiorari): *Provided always*, that no justice or justices of the peace shall hold any justices' court, or pass any judgment in any civil case, on any other, or more than one day in each month, which day they may appoint in their respective districts, nor at any other place than that specially mentioned in the warrant or summons, which place shall be as near central as convenience will admit; which warrant or summons shall be served by any constable of the district in which the defendant may reside, duly appointed and sworn to the faithful execution of his office, either by giving a copy to the defendant in person, or by leaving a copy thereof at his, her or their usual and notorious place of abode, at least ten days before the day of trial; and it shall be the duty of the constable serving the summons or warrant, to make an entry of service thereon in writing, and sign such return.

Appeals, how tried.

Courts to be held monthly.

Service of process regulated.

Entry of service on the warrant.

SECT. 3. *And be it further enacted*, That where a suit shall be instituted in any justices' court, on any bond, note, or other written obligation, subscribed by several persons living in different counties or districts, the plaintiff shall have his option to institute his suit in either of the counties or districts, and a copy of the original process being served on either or each of said obligors or promissors, by an officer duly authorized, who shall make a return thereof, under his hand, to the person applying for such service, or the court from which the original issued; and on such return being made, the justice or justices shall be authorized to enter up judgment against the several obligors or promissors, or either of them, who shall be summoned as aforesaid.

Suits, how instituted in case of joint promissors, &c. living in different districts or counties.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any justice of the peace, upon complaint made on oath by any person, that his or her debtor resides out of this state, or is actually removing without the limits of the same, or any county thereof, or absconds or conceals himself, or stands in defiance of a peace officer, so that the ordinary process of law cannot be served upon him, to grant an attachment against the estate of such debtor, or so much thereof as shall be of sufficient value to satisfy the plaintiff's demand and cost; which attachment shall be directed to and levied, by any lawful constable of the county where the property may

Said justices may issue attachments.

Oath of the creditor.

Attachments, to whom directed and how levied.

(No. 285.) be found, upon the estate of such debtor, wherever to be found, either in the hands of any person indebted to, or having effects of such debtor in their possession, and summon such person or persons to appear at the court to be held in and for the said district, to which said attachment may be made returnable, there to answer on oath what he, she or they are indebted to, or what effects of such debtor he, she or they hath in their hands, or had at the time of levying such attachment; which being returned executed, the court may by order compel such person or persons to appear and answer as aforesaid. And where any person, in whose hands such attachment may be levied, shall deny, on oath, owing any money to, or having in his, her or their hands, any effects of such debtor, it shall and may be lawful for the plaintiff, or his attorney or agent, to traverse such denial, and thereupon an issue shall be made up, and the same shall be tried at the next term, by a jury of five persons, drawn, impanelled and sworn in like manner as in appeals; but on good cause being shown on oath, the trial may be put off one term, at the instance of either party, and no longer; and if found against such garnishee, he, she or they shall be subject to pay the plaintiff such sum as shall be so found, and cost; and the court shall order judgment to be entered thereupon against such garnishee as against the original debtor: *Provided*, that such justice of the peace shall, before granting such attachment, take bond and security of the party to whom the same may be granted, in double the sum sworn to by the attaching creditor, payable to the defendant, for satisfying and paying all costs and damages which may be incurred by, or happen to the defendant, in case the plaintiff suing out such attachment should discontinue or be cast in his, her or their suit; which bond shall be returned to the court to which such attachment may be returnable; and such attachment shall be tried at or before the second justices' court after the one to which it may be made returnable; and the party entitled to such costs and damages may bring suit and recover thereon: and every attachment issued without such bond being taken, or where no bond shall be returned to the court with the attachment, the said attachment is hereby declared to be illegal, and shall be dismissed with costs: *Provided always*, that every attachment which may be issued as aforesaid, shall be attested by the justice issuing the same, and shall be, by the officer levying the same, publicly advertised at the place of holding the courts in said district, and at one or more public places in the county, at least fifteen days previous to the court to which said attachment may be made returnable; and if any attachment shall be issued within fifteen days of the next court, such attachment shall be returnable to the succeeding court, and shall be tried as heretofore directed. And all goods and chattels, lands and tenements attached, shall be repleviable by the defendant's giving bond, with good and sufficient security, to the officer levying the same, which bond he is hereby empowered to take, compelling the defendant to appear at the court to which such attachment may be made returnable, and to abide by and perform the order of such court: *Provided nevertheless*, that all goods and effects attached and not replevied agreeable to the provisions of this act, where the same shall be of a perishable

Garnishee.

Where a garnishee denies that he is indebted to, or has any effects of the debtor, said denial may be traversed and an issue made up.

Trial thereof. Proceedings if found against the garnishee.

Said justices shall take bond and security of the attaching creditor.

Attachments, how tested and advertised.

Goods, &c. attached, repleviable.

Proviso, as to unreplevied goods of

ble nature, the said justice or justices of the peace shall, on motion of the plaintiff, his, her or their attorney or agent, order a sale of the same; and the proceeds of such sale shall be paid into said court, and by them applied to the discharge of the plaintiff's demand, if established, and costs; and the balance, if any, returned to the defendant or his attorney: *Provided nevertheless*, that all sales of perishable property under attachment, shall undergo the same formalities of other constables' sales under executions; and whenever any attachment shall be returned served in the hands of a third person, it shall be lawful, on his or her appearance and examination, in the manner herein after directed, to enter up judgment as against the original debtor, and award execution for the money due by him or her to the absent debtor, and against such property or effects as may be in his or her hands or keeping, belonging to such absent debtor, or so much thereof as will be of value sufficient to satisfy the judgment or judgments and costs. And all such goods and chattels, levied on as aforesaid, and not replevied, shall, after the plaintiff has established his demand, be, by order of the court, sold and disposed of, for and towards satisfying the plaintiff's judgment, in like manner as if the same had been taken under execution; and where the property so attached and sold as aforesaid, should prove insufficient to satisfy the debt and costs, or where the same shall be of the nature of real estate, then, and in that case, it shall be the duty of said justice to issue execution or executions for the amount of said judgment and cost, or so much thereof as remains unsatisfied. And when any person, as garnishee, returns debts due to the absent debtor, the court shall order the same to be sued for, and when recovered subject to the order of the court.

(No. 285.)
a perishable
nature.

Judgment and
execution,
where attach-
ments are le-
vied in the
hands of a
third person,
how rendered,
&c.

Sales of goods
attached, &c.

Proceedings,
when the pro-
perty attached
and sold is in-
sufficient to
satisfy the
debt, or where
the same is of
the nature of
real property.
Debts, return-
ed by gar-
nishee, how
disposed of.

Rule of evi-
dence.

Accounts,
when to be
proved on
oath.

Sets off.

Continuances.

Claims.

Oath of
claimant.

SECT. 5. *And be it further enacted*, That in all cases brought before any justices' court, the best evidence the nature of the case will admit of shall be required; nor shall any person, plaintiff or defendant, be permitted to prove his or her account by his or her own oath, without first making oath in writing, that he or she hath no other evidence whereby to establish the same, that is in his or her power to procure; and in all cases of mutual debts and setts off, the said justice or justices may enter up judgment for the defendant, where it shall satisfactorily appear that there is a balance due him or her; and on good cause being shown on oath by either party, the said justices may postpone the trial three terms, and no longer; and where an execution is levied on property claimed by a person not a party to said execution, it shall be the duty of the constable to postpone the sale of such property, and make return thereof to the first court in said district: *Provided*, the person putting in such claim shall first make oath,* in writing, that said

* See act of 1814, No. 290, which repeals so much of this section as relates to the oath of claimants, and prescribes the oath to be taken by them. See also act of 1811, No. 82, title "Clerks, &c."

(No. 285.) property is not liable to said execution, (and shall also give bond and security in double the amount of said execution,) which bond the constable is hereby authorized to take, payable to the plaintiff in execution, with condition to pay all costs and damages which he or she may sustain, in case it should appear such claim was frivolous and intended for delay only, recoverable in any court having cognizance thereof; and it shall be the duty of the said court to cause the right of property to be tried at the next term, by five jurors, to be drawn and impannelled in like manner as appeals, and on good cause being shown on oath, the court may postpone the trial for one term, and no longer.

Said justices may hold to bail.

SECT. 6. *And be it further enacted*, That the said justices shall have power and authority to hold to bail for debts within their jurisdiction, under such restrictions and regulations as prevail in the Superior and Inferior Courts.

May issue summons for witnesses.

Liability of witnesses for non-attendance.

Proviso.

Proviso.

Interrogatories, when allowed, and how taken.

SECT. 7. *And be it further enacted*, That any justice of the peace may issue summonses for witnesses resident within the county, in any case to be tried before him, which shall be served five days before the day of trial; and such witnesses shall be subject to a fine of not exceeding ten dollars for default, at the discretion of said justice, and moreover be liable to the party grieved, by action in any court having jurisdiction of the same, for any damages he may sustain by such default, who may issue execution for the amount of said fine: *Provided*, sufficient excuse shall not be made at or before the next court day: *Provided also*, that all witnesses, duly summoned and attending said court, who may reside out of the district where such court may be held, shall receive seventy-five cents per day for their attendance: *And provided also*, that there shall not be taxed in the bill of cost the expense of more than two witnesses to prove the same fact; and it shall be the duty of all persons summoned as aforesaid, to attend from time to time until the cause shall be determined, or they be otherwise discharged by the court; and all fines shall be paid into the hands of the Inferior Court for the use of the county: and when any witness resides out of the county, whose evidence may be material for either party, in any cause pending in the said justices' court, it shall and may be lawful for the party wishing to obtain such testimony, to obtain a commission from the justice issuing the summons, first giving the adverse party, his agent or attorney, five days' notice, accompanied with a copy of the interrogatories intended to be exhibited, which commission shall be directed to any two or more freeholders, one of whom shall be a justice of the peace, to examine, on oath, all and every such witness or witnesses; and such examination, when so taken, shall be sealed up by the commissioners, and directed to the magistrate by whom it was issued, and on returning the same shall swear that it has undergone no alteration from the time of his receiving it of the commissioners; and the commission and interrogatories so issued, executed and returned, shall be read on the trial, at the instance of either party.

SECT. 8. *And be it further enacted,* That the method of drawing jurors for the trial (No. 285.) of appeals, and all other cases in justices' courts, in each district, shall be as follows: Drawing jurors for the trial of appeals regulated. the justice or justices residing in each captain's district, in conjunction with the commanding officers of said district, shall, once in every two years, procure or make out a list of all persons liable to serve as jurors in the Superior Courts, who may be residents in their respective districts, and shall write the name of every person so liable on a separate piece of paper, which shall be deposited in a box in an apartment marked No. 1. and shall draw therefrom not less than five, nor more than seven of the names so before deposited, from time to time, to try the causes so depending before them, which names, so drawn, shall be entered in a book by the justice presiding at the drawing thereof, and shall be deposited in an apartment of said box marked No. 2, and after all the names are drawn from No. 1, they shall commence drawing from No. 2, and so on alternately: *Provided,* that no justice shall presume to draw any jury but on a court day and in public, and by a person not interested in any suit to be tried by said jury; and any person so drawn and summoned by a constable five days before court, neglecting to appear, shall be fined by the justice or justices in a sum not exceeding three dollars, unless such juror shall show sufficient cause of excuse, on oath, at the next term; and in all cases of deficiency of jurors, the constable, by the direction of the justices, shall fill and complete such jury from the by-standers: *Provided,* there shall not be less than three of the original pannel on such jury; and they shall, for every verdict by them given in, be entitled to twenty-five cents, to be paid by the party in whose favour such verdict may be given, and to be taxed in the bill of costs. Proviso. Liability of jurors for non-attendance. Jury fee.

SECT. 9. *And be it further enacted,* That the oath to be administered to the jury on the trial of appeals, also for the trial of the right of property and on a traverse trial in justices' courts, shall be as follows: "You shall well and truly try the cause now pending between A. B. plaintiff, and C. D. defendant, and a true verdict give, according to equity and the opinion you entertain of the evidence produced to you, to the best of your skill and knowledge, without favour or affection to either party, *provided* the case is not withdrawn; so help you God." Oath of the jury on the trial of appeals, &c.

SECT. 10. *And be it further enacted,* That where any person or persons, charged with any offence, and brought before a justice or justices of the peace, shall be discharged for want of sufficient cause of commitment, the justice or justices may in his or their discretion discharge the party with cost, or direct the cost to be paid by the prosecutor. When a person brought before a justice of the peace is discharged for want of cause of commitment, costs by whom payable.

SECT. 11. *And be it further enacted,* That no person shall be permitted, in any trial in said justices' court, to deny his bond, note or bill, for money or other thing, unless such person shall first make oath in writing to the truth of such denial. Bonds, notes, &c. to be denied on oath.

(No. 285.) SECT. 12. *And be it further enacted,* That in case any person or persons, after being summoned to answer any complaint for debt before any justice of the peace, shall, before the sitting of such court, remove out of the district, such justice may nevertheless give judgment against him, her or them; and if any person shall, after judgment of such court, remove out of the district or county before satisfaction made, such justice may in either case issue execution against such person or persons, which execution being backed by any justice of the county where such person or persons, or his, her or their property may be found, may be levied by any lawful constable of said county.

If any person, after being summoned, shall remove from the district before court, judgment shall nevertheless be entered up against him. Executions may be sent from one district, &c. and levied.

SECT. 13. *And be it further enacted,* That if any person or persons shall live or reside within any county or district for the space of ten days, the same shall constitute a sufficient residence so as to authorize the justices of said county or district to proceed against him, her or them, before any company district court, as herein before pointed out, for all debts within their jurisdiction.

Ten days' residence in any district shall render a person liable to be sued therein.

SECT. 14. *And be it further enacted,* That in case there be no justice of the peace resident in any captain's district, then it shall and may be lawful for a justice in any adjoining district, to proceed in like manner as if the defendant was an inhabitant of his district; and all cases, in which a justice of the peace may be a party, shall be tried in the nearest justices' court to the residence of the defendant in said county, and not within the district in which he may reside.

Persons residing in a district having no justice, may be sued in an adjoining district. When a justice is a party, the case, where tried.

SECT. 15. *And be it further enacted,* That the justices of the peace of the respective counties shall be, and they are hereby declared to be, liable to prosecution and trial, by indictment, for malpractice in office; and it shall be the duty of the attorney or solicitor general, on complaint made to them, or either of them, on oath, by any person or persons, to frame and prefer a bill of indictment to the grand jury of the county in which the justice or justices complained of may reside, containing the merits of the complaint specially set forth; which indictment, if found by the grand jury, after hearing the evidence and the parties, shall be tried by a petit jury, and if convicted on such indictment, the judgment of the court may extend to fine and removal from office, or either, at discretion.

Justices liable to indictment for malpractice in office.

SECT. 16. *And be it further enacted,* *That when it shall appear, by the return of a

* In suits against joint obligors or promissors, if any of the joint parties make it appear that they are only securities, the justice shall enter judgment and issue execution against them as such; and if the execution be satisfied by the securities, they shall have the control thereof to get their money out of the principal, against whom judgment, &c. must also have gone. See act of 1816, No. 292.

constable on any execution or executions, that the same has been paid by a security or securities, it shall be the duty of the justice or justices to make an entry thereof in their docket book, and such security or securities shall have the use and control of said execution or executions for the purpose of remunerating him, her or themselves out of their principal, although said execution may have been levied and property sold to satisfy the same. (No. 285.)

When a security pays an execution, he shall be entitled to the control of the same, &c.

SECT. 17. *And be it further enacted,* That it shall be the duty of constables to advertise all intended sales, at two or more of the most public places in their proper district, and at one or more of the most public places in the county, at least fifteen days before any sale, and shall give a full and clear description of the property to be sold; and all constables' sales shall be at the place of holding justices' courts in the several company districts, and on a court day, and that between the hours of ten and three o'clock.

Constables' sales regulated.

SECT. 18. *And be it further enacted,* That no constable shall be authorized to levy on any negro or negroes, or real estate, unless there is no other personal estate to be found sufficient to satisfy the debt, and then, and in that case, they are hereby authorized to levy on the same, wherever to be found, and deliver over the execution or executions to the sheriff of the county, with a return of the property levied on, who shall proceed to sell the same, with such formalities as are prescribed for the sale of real estates.

Constables shall not levy on negroes or real estate, unless the other personal estate is insufficient. Sales of such property to be by the sheriff.

SECT. 19. *And be it further enacted,* That all judgments which may be obtained in, and executions issued from any justices' court, after the passing of this act, shall bear equal dignity with judgments obtained in and executions issued from the Superior or Inferior Courts, and shall bind all the property of the defendant from the date of the said judgment; and also all the property of his, her or their securities from the time of their entering themselves as such until the same shall be satisfied.

Judgments, &c. of justices' courts placed on the same footing with those of the Superior and Inferior Courts.

SECT. 20. *And be it further enacted,* That a reasonable compensation shall be allowed to constables, for carrying property levied on to the place of sale, when there appears an absolute necessity for so doing, to be adjudged of by the justice or justices resident in said district.

Constables to be paid for carrying property to the place of sale.

SECT. 21. *And be it further enacted,* That it shall be the duty of the constables of the several districts to levy all executions put into their hands, agreeably to the tenure thereof, and to make due returns of the same, together with all summonses or warrants, to the court to which they may be made returnable; and if any constable shall fail to

Duties and liabilities of constables.

(No. 285.) execute and make returns, or to pay to or account with any person for whom he may have received money on any execution, within ten days after the reception thereof, the person so injured as aforesaid may, upon application to any justice within the district where said constable may reside, (and in case there should be no justice in said district, then an application to a justice in any adjacent district,) whose duty it shall be to grant a warrant to such applicant against such constable; and such justice shall, upon proof thereof, award judgment and execution for the same, and all cost, against such constable, and also fine him for such abuse in a sum not exceeding ten per cent. on the amount so withheld; and in case of neglect or refusal to serve and return any warrant or summons as aforesaid, may fine the constable so offending in a sum not exceeding the amount of the debt due by the defendant; and all constables shall moreover be subject to be prosecuted and tried for malpractice in office, in like manner as herein pointed out for justices of the peace, and liable to like pains and penalties.

SECT. 22. *And be it further enacted*, That from and after the passing of this act, justices of the peace and constables throughout this state shall receive the following fees* for the services herein after mentioned, and no more.

Justices' of the Peace Fees in Criminal Cases.

Justices' fees
in criminal
cases.

For affidavit to obtain a warrant, twenty-five cents; for making out a warrant, twenty-five cents; for making out a commitment, twenty-five cents; for making out recognisance and returning the same to court, twenty-five cents; for each subpoena for witnesses, twelve and an half cents.

In Civil Cases.

Their fees in
civil cases.

For a warrant or summons, twenty-five cents; for each cause tried by said justice, twenty-five cents; for affidavit to obtain an attachment or to hold to bail, and taking the bond, fifty cents; for each execution, *ca. sa.* or attachment, twenty-five cents; for taking interrogatories and certifying the same, one dollar; for drawing jury and making out venire, twenty-five cents; for each cause tried by said jury, twenty-five cents; for each affidavit, where there is no cause pending, twenty-five cents.

Constables' Fees in Civil Cases.

Constables'
fees in civil
cases.

For serving a warrant, summons or subpoena, twenty-five cents; for each additional copy, twenty-five cents; for attending each trial in a justices' court, twenty-five cents;

* These fees are increased 25 per cent. by act of 1819, No. 250. They had been increased 50 per cent. by act of 1818, No. 248.

for summoning a jury, fifty cents ; for each cause tried by said jury, twenty-five cents ; (No. 285.) for levying and advertising an attachment, twenty-five cents ; for levying a *ca. sa.* or execution, and advertising, twenty-five cents ; for carrying a prisoner to jail, per mile, four cents ; for carrying a negro to and from jail, when under execution, per mile, four cents ; for keeping a horse, mare, mule, ass or ox, per day, twelve and an half cents ; for each head of neat cattle, per day, three cents ; for each head of sheep, goats or hogs, per day, two cents ; and shall moreover be entitled to five per centum on the amount of sales made by him, under execution.

SECT. 23. *And be it further enacted,* That in future any person or persons, who may institute any suit or suits in any justices' court, shall be at liberty to settle or withdraw the same at any time, on payment of the cost which may have already accrued. And in all cases where execution or executions may issue, and being returned with an entry of service thereon, no property to be found whereon to levy, the plaintiff is hereby liable and bound for the cost, and that on refusal to pay the same, execution may issue for the said amount, against the said plaintiff.

Suits may be settled or withdrawn upon payment of costs.

Plaintiff liable for costs when executions are returned with an entry of no property to be found.

SECT. 24. *And be it further enacted,* That it shall be the duty of any justice of the peace, on return made to him by any overseer of a road or roads, to issue his warrant against such defaulter or defaulters ; and on hearing the excuse or excuses of such defaulter or defaulters, to assess the fine or fines which the existing road laws in said county require, and issue execution for the same, unless the excuse so offered shall be satisfactory.

Duty of justices of the peace with regard to road fines.

SECT. 25. *And be it further enacted,* That it shall be lawful for any constable of the county to serve any warrant or summons, wherein any justice of the peace or constable may be a party, and to summons any witnesses, and to serve any bail warrant or attachment, and to make due return thereof to the court to which the same may be made returnable ; and where it may so happen that there is no constable in the district, it shall and may be lawful for any constable in the county to act in the said district, in all respects, as if such constable had been appointed for said district.

Further powers of constables.

SECT. 26. *And be it further enacted,* That the justice or justices in any district, having no constable, is hereby authorized and empowered to appoint not exceeding two fit and proper persons, within the said district, to whom they shall administer the oath of office, who shall give bond and security as pointed out by law ; and the person or persons so appointed shall continue in office until the next Inferior Court, and until a successor is duly appointed and qualified.

Justices may appoint constables, &c.

(No. 285.)
May fine and
imprison, in
cases of con-
tempt of court.

SECT. 27. *And be it further enacted*, That the justices of the peace of the several districts shall have power, during the sitting of their respective courts, to fine or imprison any person or persons, for contempt of said courts, to be adjudged of by the said justice or justices, in any sum not exceeding two dollars, and imprisonment for a term not exceeding two days, for each offence, which said fine, when collected, shall be paid over into the hands of the Inferior Court, for county purposes.

Repealing
clause.

SECT. 28. *And be it further enacted*, That all laws and parts of laws heretofore passed, regulating justices' courts, which militate against this act, be, and the same are hereby repealed.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 14th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 286.)

AN ACT

To amend the thirty-first section of the Judiciary Act of 1799.

Executions,
how issued,
signed, tested,
dated and di-
rected.

On what
levied, &c.

Sheriff not to
levy on pro-
perty pointed
out by the de-
fendant in the
hands of a
third person,
but on such as
is in the pos-

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That all executions shall be issued and signed by the clerks of the several courts in which judgments shall be obtained, and bear test in the name of one of the judges or presiding justices of such courts, and shall bear date from the time of issuing, shall be directed to all and singular the sheriffs of this state, and may be levied on the estate, both real and personal, of the defendant or defendants, or issue against the body of the defendant, at the option of the plaintiff, which execution shall be of full force until satisfied, without being obliged to be renewed on the court roll from year to year, as heretofore practised. And when the defendant shall point out any property on which to levy the execution, being in the hands and possession of any person not a party to such judgment, the sheriff shall not levy thereon, but shall proceed to levy on such property as may be found in the hands and possession of the defendant, who shall nevertheless be at liberty to point out what part of his property he may think pro-

per, which the sheriff shall be bound to take and sell first, if the same is, in the opinion (No. 286.) of the sheriff, sufficient to satisfy such judgment.

session of the
defendant,
who may point out what shall be sold, &c.

SECT. 2. *And be it further enacted*, That where any execution shall have issued or may hereafter issue against the body of any defendant, and the same shall not have been satisfied, it shall be lawful for an execution to issue against the property of such defendant or defendants on the return of said execution, which had been issued against the body of the said defendant or defendants; and that when an execution against the body of any defendant shall have been served, the party on whom the same shall have been served shall be released: *Provided*, he, she or they shall deliver to the officer serving the same, property which shall, in the opinion of such officer, be sufficient to discharge the debt and all costs, and give sufficient security to the said officer that the property so delivered is bona fide the property of the defendant or defendants, and subject to the discharge of the said debt; in which case the officer shall return the execution so issued against the body of the defendant or defendants, and take out an execution against the property of such defendant or defendants, and proceed to advertise and sell the property so delivered up, to satisfy such execution as heretofore practised.

When an execution against the body of the defendant is unsatisfied, upon the return thereof an execution against his property may issue.
A defendant in custody under an execution against his person, how released.

SECT. 3. *And be it further enacted*, That all laws or parts of laws heretofore passed, militating against this act, be, and the same are hereby repealed.

Repealing
clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 287.)

AN ACT

To alter and amend the twenty-third section of the Judiciary Law of this state, passed 16th February, 1799.

Preamble.

WHEREAS, the judiciary law of this state does not so fully embrace the mode necessary to procure testimony by interrogatories as justice in its fullest extent requires :

Testimony of witnesses residing out of the state or county, or of a seaman, boat patroon, stage driver, mail carrier, an aged or infirm person, &c. how procured.

BE it therefore enacted by the Senate and House of Representatives, in general assembly met, and by the authority of the same, That after the passing of this act it shall and may be lawful, where any witness resides out of the state or out of the county, or where any witness resides within the same, and being a seaman, patroon of a boat, stage driver, mail carrier, aged or infirm person, and in all other cases where the evidence of any witness cannot be duly obtained, in which his or her testimony may be required in any case, it shall be lawful for either party, on giving at least ten days notice to the adverse party, or his, her or their attorney, accompanied with a copy of the interrogatories intended to be exhibited, to obtain a commission from the clerk of the court in which the same may be required, directed to certain commissioners, to examine all and every such witness or witnesses, on such interrogatories as the parties may exhibit; and such examination shall be read at the trial, on the motion of either party, any rule, order or law to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 288.)

To amend and explain the 29th section of the Judiciary Law of this state.

WHEREAS, the above recited section of the judiciary law of this state is not sufficiently explicit to effect the object for which it was intended : Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted,* That where any attorney shall institute a suit in any of the courts of this state, for and in behalf of any person or persons who resides out of this state, or out of the county in which the defendant or defendants may reside; and in which such suit may be tried, such attorney shall be liable to pay all costs, in case such suit shall be dismissed or the plaintiff or plaintiffs be cast in his, her or their suit; and it shall be lawful for the clerk of said court to issue execution against said attorney or attorneys for the amount of the cost of said suit.

When a plaintiff lives out of this state, or out of the county where the suit is brought, the attorney shall be liable for the costs in case the plaintiff be cast or the action dismissed.

SECT. 2. *And be it further enacted,* That where any attorney shall institute a suit, in any of the counties of this state, for any person who resides out of the county in which such suit is brought, and judgment shall be obtained thereon, and the sheriff shall return the execution, no property to be found, that then the plaintiff's attorney shall be bound for the cost of said suit, and the clerk may issue his execution against the plaintiff and the attorney who brought said suit jointly, for the amount of the cost of such suit. And if any attorney shall retain in his hands any money received by him for any client, after being by the court ordered to pay over the same to the principal, he shall be struck from the list of attorneys, and never more suffered to plead in any of the courts in this state.

An attorney who brings an action for a plaintiff living out of the county where it is brought, and after judgment no property of the defendant can be found, shall be liable for the costs.

An attorney retaining money received by him for a client, after being ordered to pay the same by the court, shall be struck from the list of attorneys, &c.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 289.)

AN ACT

Explanatory of the several Judiciary Laws of this state.

Renewal of
judgments not
required.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That no part of the judiciary laws of this state shall be so construed as to require the renewal of any judgment as heretofore practised, or in any other manner whatever.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 290.)

AN ACT

To repeal so much of the fifth section of an act, entitled An act to alter and amend the several judiciary acts now in force in this state, so far as relates to Justices' Courts, as requires persons claiming property under execution, not a party to such execution, to take an oath, and to prescribe the oath to be taken in such cases.

Repealing
clause.

What oath
shall be taken
by claimants
of property
levied on by
virtue of exe-
cutions from
justices'
courts.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That so much of the fifth section of the above recited act as requires persons, claiming property under execution, not a party to such execution, to make oath that such property is not liable to such execution, be, and the same is hereby repealed; and that in all cases of executions from any justices' courts in this state, levied on property claimed by any person not a party to such execution, such person shall make oath that the property levied on is his, her or their right and property, or his, her or their property as attorney, agent, guardian, executor or administrator, as the case may be, to

the best of his, her or their knowledge and belief, and shall moreover give security in (No. 290.)
terms of the said fifth section.

Claimant to
give security.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 291.)

To require the judges of the Superior Courts to transmit to his excellency the Governor the rules of practice established in their respective circuits.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of the judges of the Superior Courts in this state to transmit to his excellency the Governor, on or before the first day of the next session of the General Assembly, the rules prevailing in their respective circuits for the management of business in the Superior Courts, to be by him sent to the legislature, to enable the General Assembly (should it be deemed expedient) to establish an uniform practice of proceedings in the courts in the different circuits of this state.

Judges of the
Superior
Courts to
transmit to the
Governor the
rules of prac-
tice in their
circuits.
For what pur-
pose.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 292.)

AN ACT

Supplementary to an act, entitled 'An act to amend the several Judiciary Acts now in force in this state, so far as relates to Justices' Courts, passed on the 14th day of December, 1811.

When it shall appear in cases against joint obligors, &c. brought in justices' courts, that any of them were only securities, judgment shall be entered up against them as such, &c.

The execution, when satisfied by any such security, or out of his property, shall be under his control, in order to remunerate himself out of the principal.
Proviso.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That in all cases in justices' courts commenced against joint obligors or promisors, if any one or more of them shall make it appear, to the satisfaction of the court, that he, she or they signed said obligation as a security or securities only, it shall be the duty of the justice to enter up judgment against him, her or them as such, and award execution in the same manner, which, when satisfied by said security, or out of their property, he, she or they shall have the control and benefit of said execution, for the purpose of remunerating him, her or themselves out of their principal, in the same manner as if they had been security on the stay of execution: Provided, judgment and execution shall be against the principal also.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 293.)

AN ACT

To explain and to enforce the judiciary act of seventeen hundred and ninety-nine, as respects Special Pleadings in the several courts of law in this state.

Preamble.

WHEREAS, the said judiciary was intended for the purpose of bringing parties litigant to a speedy judicial decision without delay, and with as little costs as practicable, and it was thereby intended that the small omissions of parties, clerks or sheriffs, not affecting the real merits of the case, should in all cases (substantially set out) be amended on motion, without delay or costs, and it having grown into practice in

said courts, to give or grant a term, and sometimes nonsuit, for the smallest omissions of the officers of said courts; and as a further increase of the said practice may lead us back to all that tedious and expensive labyrinth of special pleadings, which the said judiciary intended to avoid :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Assembly met,* That in every case where there is a good and legal cause of action, plainly and distinctly set forth in the petition, and there is in substance a copy served on the defendant or defendants, or left at their most notorious place of abode, every other objection shall be on motion amended without delay or additional costs.

Declaration and service, when sufficient.
Amendments without delay or costs, allowed.

SECT. 2. *And be it further enacted,* That no special pleadings shall be introduced or admitted, in either the Superior or Inferior Courts of this state, (other than in equity,) which shall be conducted in the same manner as is already pointed out by the judiciary system of this state now in force, and that every case shall be carried to the jury, and tried upon the petition, process and answer alone, without regard to the practice now grown into use in the several courts of law in this state; and no nonsuit shall be awarded when the cause of action is substantially set forth in the declaration, for any formal variance between the allegation and proof.

Special pleading inadmissible, except in equity.
Cases shall be tried upon the petition, process and answer.
Non-suit.

SECT. 3. *And be it further enacted,* That no part of an answer shall be stricken out or rejected on account of being contradictory to another part of the same answer, but the court shall be bound to suffer the whole answer to remain, if the defendant should desire it, and avail himself of any advantage he can or may have under either or the whole of the said answer, and proceed to trial accordingly.

No part of an answer to be stricken out for being contradictory to another part.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 294.)

AN ACT

To amend the Judiciary of this state, so far as respects Justices of the Peace.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Justices of the peace may require non-residents applying for any civil process to deposit the costs or give security for the same. *from and after the passing of this act, it shall and may be lawful for all and every justice of the peace in this state, on application of any non-resident of the county or state for any civil process, to require non-resident to deposit the cost or give sufficient security for the same, any law, usage or custom to the contrary notwithstanding.*

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 295.)

AN ACT

To regulate and establish an uniform practice in Justices' Courts.

Proceedings
in justices'
courts shall be
uniform
throughout
the state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of January next, the proceedings in the justices' courts shall be uniform throughout the state.*

Appearance
term.

Judgment by
default.
Judgment
term.
Proviso.

SECT. 2. *Be it further enacted, That the first term shall be deemed and considered as the appearance term, when the case shall be docketed on what shall be called the appearance docket, and on the defendant failing to appear, judgment shall be entered by default, as in the Superior Court; and at the second term, unless there is a sufficient showing, judgment shall be entered up: Provided nevertheless, the party or parties shall be entitled to an appeal, agreeable to the judiciary law now in force in this state.*

SECT. 3. *Be it further enacted*, That all justices of the peace shall have power, in (No. 295.) all cases of debt or liquidated demand, to give judgment for any sum not exceeding thirty dollars, exclusive of interest and cost.

Judgment may be given for \$30 exclusive of interest.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 296.)

For the organization of a Court of Common Pleas, and of Oyer and Terminer, for the city of Savannah, and for repealing the civil jurisdiction given by the laws of this state to the Mayor and Aldermen, or to the Mayor of said city.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That there shall be organized in the city of Savannah, on the last Monday in October next, a court of record, to be styled the Court of Common Pleas and Oyer and Terminer for the city of Savannah, which said court shall have cognizance of civil cases in assumpsit, debt, covenant, trover, and of actions on the case, when the damages or cause of action shall not exceed the sum of two hundred, nor shall be less than thirty dollars; and the said court shall have criminal jurisdiction of all minor offences, committed within the limits of the city of Savannah, and which do not subject offenders to confinement in the penitentiary.

A Court of Common Pleas and Oyer and Terminer for the city of Savannah established. Civil jurisdiction. Criminal jurisdiction.

SECT. 2. *And be it further enacted*, That the judge of said court shall be elected by the legislature immediately after the passing of this act, and shall hold his office for the term of three years, unless removed therefrom by the Governor, on the address of two-thirds of both houses of the General Assembly for that purpose; and the said judge shall have power and authority to hear and determine all civil causes of which the said court has jurisdiction, and to give judgment and award execution thereon: *Provided always*, that either party in any such cause shall be entitled to a trial by jury, upon entering a

The judge thereof elected by the legislature. Continuance in office. His power in civil cases. Jury trials in civil cases regulated.

(No. 296.) demand thereof in writing on the docket of the said court, before the opening of the court on the first day of the term to which the said cause is returnable, and upon giving security for the payment of the eventual condemnation money and costs, as upon the entry of appeals under the judicial statute of this state.

Said court may compel the production of books, papers, &c.

SECT. 3. *And be it further enacted,* That the said court is empowered to compel the production of books, papers and writings, in the possession of any party to a suit in said court, containing evidence pertinent to the cause in question, conformably to the sixth section of the judicial statute of this state.

Process in civil suits in said court regulated.

The 9th section of the judicial statute to govern said court.

SECT. 4. *And be it further enacted,* That the process in civil suits in said court shall be conformable to the eighth section of the judicial statute of this state, excepting that the process to all suits in said court shall be annexed by the clerk of the court, and served by the sheriff of the same, ten days before the return thereof; and for conducting proceedings in said court, the provisions contained in the ninth section of the judicial statute shall be in force, to carry to trial any suit in said court, according to the mode prescribed in the second section of this act.

Answer, when to be filed.

Default.

Imprarlance.

SECT. 5. *And be it further enacted,* That when any defendant shall have been served with process, he shall file his answer in writing, in the terms of the judicial statute, on or before the opening of the court at the term to which the same is returnable: if the defendant shall fail to file his answer in manner aforesaid, the judge of the said court shall note the default on the docket, and shall in such case, and in all cases which are not docketed for trial by a jury, in terms of the proviso of the first section of this act, proceed to give judgment and award execution thereon at the same term, upon due proof of the plaintiff's claim; but in all cases which are so docketed, an imparlance shall be allowed until the next succeeding term.

Bail cases to be governed by the general law of the state.

SECT. 6. *And be it further enacted,* That in all cases in said court in which bail is required, that the bail and proceedings thereon shall be conformable to the laws of this state, or to such statutes upon the same subject, as may be hereafter enacted by the general assembly.

The 19th, 20th, 21st and 22d sections of the judicial statute, in force in said court.

Exception as to subpoenas. The act of 1811, altering and amending

SECT. 7. *And be it further enacted,* That the nineteenth, twentieth, twenty-first and twenty-second sections of the judicial statute of this state shall be in force in the said court, excepting that writs of subpoena shall be issued by the clerk of said court, and served by the sheriff of the same, a city constable, or some private person; and that the provisions of the act, passed the 16th December, 1811, to alter and amend the twenty-third section of the judiciary law of this state, passed the 16th February, 1799, shall likewise be of full force in said court, excepting that it shall not be necessary to

give more than three days notice of an intention to take testimony by commission, (No. 296.) which commission it shall be the duty of the clerk of the said court to issue upon application therefor.

the 23d section of the judiciary law of 1799, also in force. Exception.

SECT. 8. *And be it further enacted,* That the twenty-fourth, twenty-fifth, twenty-eighth, twenty-ninth, thirtieth, thirty-first and thirty-second sections of the judicial statute of this state, shall be in full force in said court, excepting that all claims to property, made under the provisions of the thirty-second section aforementioned, shall be returned by the sheriff of the court to the clerk of the Superior Court of Chatham county, in ten days after the institution of such claim, to be decided upon by a jury at the ensuing term of the Superior Court of said county.

The 24th, 25th, 28th, 29th, 30th, 31st and 32d sections of the judicial statute of the state likewise in force. Exception as to claims.

SECT. 9. *And be it further enacted,* That no confession of judgment shall be entered up in said court, unless the defendant resides within the city of Savannah, and unless the cause has been regularly sued out and docketed, nor until such cause is called in order by the court for trial.

Confession of judgment regulated.

SECT. 10. *And be it further enacted,* That all sales of property taken under execution by the sheriff of said court, shall be made conformably to the laws of the state regulating sheriffs' sales.

Sales by the sheriffs of said court, how made.

SECT. 11. *And be it further enacted,* That in all cases in which a verdict shall be rendered in said court, the party in whose favour it may be shall be allowed to enter and sign judgment thereon, at any time within three days after the adjournment of the court, at the clerk's office, for the amount of such verdict and all legal costs; and no execution shall issue on such verdict until such judgment shall be entered by the party or his attorney.

Judgments upon verdicts may be signed within three days after the adjournment of court. No execution shall issue until such judgment shall be entered.

SECT. 12. *And be it further enacted,* That the clerk and sheriff hitherto of the Mayor's Court of Savannah, shall be the clerk and sheriff of the court created by this act, but such clerk and sheriff shall continue to perform all the duties required of them by the ordinances of the mayor and aldermen of the city of Savannah; and the said clerk and sheriff are hereby declared to be entitled to the same fees as are by law allowed to the clerks and sheriffs of the Superior and Inferior Courts of this state.

Sheriff and clerk hitherto of the Mayor's Court, shall be sheriff and clerk of the court first aforesaid. Their fees.

SECT. 13. *And be it further enacted,* That the recorder of the city of Savannah shall, in the event of the absence of the solicitor general of the district, prosecute all delinquents for crimes and offences cognizable by said court; and the said recorder, in all criminal prosecutions conducted by him, shall be entitled to receive the same fees as by law are

The recorder of Savannah, in the absence of the solicitor general of the district, shall prosecute crimes, &c. His fees.

(No. 296.) allowed to the solicitors general of the state, reserving to the solicitor general of the district the right to conduct such prosecutions, and to receive the same fees as are allowed by law in the Superior Courts of this state.

The right of conducting prosecutions reserved to the solicitor gen. of the district.

The clerk shall record the proceedings in civil cases in said court.

Fees for recording.

Minutes of the court.

SECT. 14. *And be it further enacted*, That the clerk of said court shall copy, into a book of record to be provided by the mayor and aldermen of Savannah, all the proceedings in all the civil cases in said court, which entry of record shall be made within twenty days after the determination of any cause, and the said clerk shall be allowed ten cents for every hundred words of recording such proceedings, to be taxed in the bill of costs; and the said clerk shall keep, from day to day, regular minutes of the proceedings of said court, which shall be signed by the judge.

Duties and liabilities of the clerk and sheriff of said court.

SECT. 15. *And be it further enacted*, That all the duties and liabilities attached to the clerks of the Superior and Inferior Courts, and to the sheriffs of the counties, are hereby attached to the clerk and sheriff of this court, and the judge of said court is empowered to exercise the same authority over the clerk and sheriff, as is legally exercised by the judges of the Superior Courts over the clerks of the Superior Courts, and over the sheriffs of the counties.

Jurors, who shall be liable to serve as such:

Shall be selected, drawn and summoned according to the general law of the state.

The oath of juries in civil cases.

SECT. 16. *And be it further enacted*, That all persons residing in the city of Savannah, and who are liable to serve as jurors in the Superior Court, shall be liable to serve as jurors in this court; and it is hereby declared to be the duty of the said court to conform to the laws in force in this state, pointing out the mode of selecting, drawing and summoning jurors for the Superior Court; and the forty-fourth section of the judicial statute is hereby declared to be in full force in said court; and the oath to be administered to all juries in said court, upon the trial of civil causes, shall be the same as is by law administered to the petit jurors in the Superior Courts.

Grand jury for said court and city, how drawn.

Twenty-four jurors for the trial of civil and criminal business to be drawn.

Proceedings on criminal cases.

Oath of jurors and witnesses.

SECT. 17. *And be it further enacted*, That the judge of the said court shall, previous to the adjournment of either of the terms of the same, draw, conformably to the laws of this state, twenty-four persons to serve as an inquest or grand jury for said court and city, and twenty-four persons for the trial of all civil and criminal cases of which the said court has jurisdiction; but no inquest or grand jury for the said court shall consist of less than eighteen persons, though twelve persons of any grand jury may find a bill or make a presentment; and it is hereby declared, that the mode of proceeding and trial in all criminal cases, in said court, shall be the same as is pursued in the Superior Courts of this state, and that the oath to be administered to jurors and witnesses, upon the trial of criminal cases, shall be the same as is administered to jurors and witnesses in criminal cases in the Superior Courts.

SECT. 18. *And be it further enacted*, That the clerk and sheriff of the court created (No. 296.) by this act, shall respectively take the oath required by the judicial statute of this state, to be taken by the clerks of the Superior and Inferior Courts, and by the sheriffs of the counties, excepting that in the clerk's oath the following words shall be substituted, (after the words "and other proceedings") : "of the Court of Common Pleas and of Oyer and Terminer for the city of Savannah;" and in the sheriff's oath the same style of the court shall be inserted after the words "as sheriff," and the said oaths the judge of said court, or the mayor of the city of Savannah, is hereby empowered to administer.

Oath of the clerk and sheriff of said court.

By whom administered.

SECT. 19. *And be it further enacted*, That there shall be twelve terms of the said court in each year, and that the times of holding the same shall be on the last Monday in each month, and the first term thereof shall be holden on the last Monday in October, 1820.

Said court to be held monthly.

SECT. 20. *And be it further enacted*, That the salary to be allowed the judge of the said court shall be thirteen hundred dollars, to be paid quarterly by the treasurer of the city of Savannah, out of the funds of the corporation of said city; and the said judge, before he enters upon the duties of his office, shall take the following oath or affirmation, either before the Governor or before commissioners by him for that purpose appointed, to wit: "I do solemnly swear, or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform the duties incumbent upon me as judge of the Court of Common Pleas and of Oyer and Terminer for the city of Savannah, according to the best of my abilities and understanding, and agreeably to the constitution of this state and the constitution of the United States; so help me God."

Judge's salary.

An oath to be taken by him.

The oath.

SECT. 21. *And be it further enacted*, That the attorney's fee in each cause brought in said court, shall be one half of the fee by law allowed upon cases commenced and tried in the Superior Courts; and upon all cases brought in the said court, there shall be assessed the sum of three dollars, to be paid upon the institution of the same, to the clerk of the court, who shall make quarterly returns of the fees so received by him, and pay over the amount to the treasurer of the city of Savannah, under the penalty of five hundred dollars, to be enforced by attachment against the clerk for a contempt.

Attorney's fee

Three dollars shall be paid to the clerk upon the institution of each suit, who shall make quarterly returns to the city treasurer.

Penalty.

SECT. 22. *And be it further enacted*, That when either party to a cause in said court shall take exceptions to any proceedings in a suit affecting the real merits of the same, it shall be the duty of the said judge to cause to be made, and filed of record in said court, a just and true statement of the facts relating thereto, and of all legal points arising therein, and the said party, after a full compliance with the law of the state re-

Exceptions to any proceedings in a suit in said court regulated.

(No. 296.) Certiorari. regulating the granting of certiorari, may apply to the judge of the eastern district for a writ of certiorari, who shall issue the same, if he shall deem the exceptions taken to be sufficient.

Suits, &c. in the Mayor's Court shall be transferred to, and determined in the court created by this act.

Records of the Mayor's Court made a part of the records of the court afore-said.

SECT. 23. *And be it further enacted*, That all suits and other processes which have been instituted or ordered in the Mayor's Court of Savannah, and which shall remain undecided and unexecuted on the last Monday in October next, shall be transferred to the court created by this act; and it shall be the duty of the court to proceed to the determination and trial of all such suits, conformably to the provisions of this act; and the records of the said Mayor's Court are hereby declared to be a part of the records of the court created by this act; and the clerk of this court shall, upon motion first made to the court for that purpose, issue execution upon all judgments which have been or may be obtained in the said Mayor's Court.

Executions upon judgments in the Mayor's Court, how issued.

Repealing clause.

SECT. 24. *And be it further enacted*, That all laws or parts of laws of this state, militating with this act, shall be, and they are hereby repealed, so far as the same may operate to defeat the provisions of this act.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 297.)

To carry into effect the fourth and fifth sections of the third article of the Constitution of the state of Georgia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be five justices of the Inferior Court in and for each county of this state, who shall be elected on the third Tuesday in October, in the year of our Lord one thousand eight hundred and twenty-one, who shall be commissioned and hold their respective offices until the first Monday in January, in the year of our Lord one thousand eight hundred and twenty-five, and until their successors shall be elected and qualified; on which said first Monday in January, one thousand eight hundred and twenty-five, the justices of the Inferior Courts shall be again elected, and from thence on the first Monday in January, in every fourth year thereafter, by the electors entitled to vote for members of the General Assembly; which elections shall be held and conducted in the same manner as pointed out by law for the election of clerks and sheriffs; and the persons so elected shall be commissioned by the Governor, and continue in office for the term of four years, and until their successors are elected and qualified, unless removed by impeachment for malpractice in office, or by the Governor on the address of two-thirds of both branches of the General Assembly; and when any vacancy shall happen, by death, resignation or otherwise, of any of the justices of the Inferior Court, it shall be the duty of two or more of the justices of the Inferior Court, or justices of the peace of the county in which such vacancy or vacancies shall happen, to give at least twenty days notice, by advertisement at three or more public places in such county, previous to the election, to fill such vacancy or vacancies; which election shall be held and conducted in the same manner as by this act expressed.

There shall be five justices of the Inferior Court in each county.

When elected.

Continuance in office.

Elections of justices of the Inferior Courts regulated.

Persons elected to be commissioned by the Governor.

Term of office.

Vacancies, how filled.

SECT. 2. *And be it further enacted by the authority aforesaid,* That there shall be two justices of the peace in each captain's district in the several counties of this state, who shall be elected on the first Saturday in January, eighteen hundred and twenty-one, and on the first Saturday in January every fourth year thereafter, by the citizens of the district to which they respectively belong, entitled to vote for members of the General Assembly; which election shall be superintended by three freeholders of the district, whose duty it shall be to take the following oath, to be administered by the captain or commanding officer of said district, or any magistrate of the county, to wit: "I, A. B. do solemnly swear, that I will, to the best of my abilities, superintend the election of justices of the peace for this district; so help me God." And said freeholders shall

There shall be two justices of the peace in each captain's district.

When and in what manner elected.

The election to be superintended by three freeholders.

Their oath.

(No. 297.) transmit a return of said election, within twenty days, to his excellency the Governor, who is hereby authorized to commission the person or persons so elected accordingly; and the said justices of the peace shall hold their appointments during the term of four years, and until their successors are elected and qualified, unless they shall be removed by conviction, on indictment in the Superior Court, for malpractice in office, or for any felonious or infamous crime, or by the Governor on the address of two-thirds of each branch of the General Assembly; and when any vacancy or vacancies shall happen, by death, resignation or otherwise, of any justice or justices of the peace, it shall be the duty of one justice of the peace and two freeholders, which said freeholders, previous to holding said election, shall take the oath above prescribed, to advertise, in three of the most public places in the district where such vacancy or vacancies may happen, the time of holding an election for the purpose of filling such vacancy or vacancies, and give at least fifteen days notice of the time and place when such election shall be held; and it shall be the duty of the said justice and freeholders to superintend such election; and certify the same under their hands, to his excellency the Governor, who shall, within ten days after receiving the same, commission the person or persons having the highest number of votes: *Provided*, the election is not contested.

Proviso.

Elections for justices of the inferior Courts and justices of the peace, where held.

SECT. 3. *And be it further enacted by the authority aforesaid*, That all elections for justices of the Inferior Court shall be holden at the place of holding the Superior Courts in the respective counties; and all elections for justices of the peace shall be holden at the usual place of holding the Justices' Courts in the respective company districts.

Those who are elected to fill any vacancy shall continue in office only for the time for which their predecessors were elected.

SECT. 4. *And be it further enacted by the authority aforesaid*, That where any person or persons shall be elected to fill the vacancy of any justice of the Inferior Court or justices of the peace, the person so elected and commissioned shall continue in office only for the time for which their predecessors were elected.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

JURORS, GRAND AND PETIT.

AN ACT*

1812.

(No. 298.)

To authorize the Justices of the Inferior Court of the county of Wilkinson to draw Grand and Petit Jurors for said county.

WHEREAS, the judge of the Superior Court did not draw grand and petit jurors at the last term of the Superior Court in the county of Wilkinson, to serve at April term next, by which means the county will lose one term of the Superior Court, unless otherwise provided for :

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted, That the justices of the Inferior Court of the county of Wilkinson, or a majority of them, together with the sheriff and clerk of the Superior Court, do, and they are hereby authorized and required to meet at the court-house in said county, on the first Monday in January next, and then and there proceed to draw grand and petit jurors to serve at the Superior Court, to be held in and for said county, on the first Monday in April next, any law to the contrary notwithstanding.

The justices of the Inferior Court of Wilkinson county, with the sheriff and clerk of the Superior Court, authorized to draw grand and petit jurors, to serve at the next April term of the Superior Court.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See act of 1815, No. 303, by which the justices of the Inferior Courts in this state, with the sheriff and clerk of the Superior Court, are authorized to draw grand and petit jurors in certain cases.

(No. 299.)

AN ACT*

To authorize the Justices of the Inferior Court of Baldwin county to select fit and proper persons to serve as Grand and Petit Jurors.

Preamble. WHEREAS, the Inferior Court of said county failed to convene at the court-house, in order to make that arrangement in terms of the law ; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That it shall be the duty of the justices of the Inferior Court of Baldwin county, together with the sheriff and clerk, or a majority of them, to convene at the court-house in said county, on the first Monday in February next, whose duty it shall be to select from the books of the receiver of tax returns, fit and proper persons to serve as grand jurors, and correct the petit jury list, under the same rules and regulations as directed by a law passed December 7th, 1805.

The justices of the Inferior Court of Baldwin county authorized to select grand jurors ;

And to correct the petit jury list.

In case the justices should not meet as above directed, said selection to be made before the next Superior Court.

SECT. 2. *And be it further enacted,* That if the said Inferior Court should fail to convene as above directed, that it shall be the duty of the said justices, sheriff and clerk aforesaid, or a majority of them, to make such selection on or before the next Superior Court thereafter, to be held in the said county of Baldwin.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See act of 1817, No. 306.

AN ACT

(No. 300.)

To admit Grand Jurors to give evidence.

WHEREAS, doubts doth exist as to the propriety of admitting grand jurors to give evidence against persons who may have been sworn before them, when in session as a grand jury, on account of that part of the oath which requires them to keep secret the state's council, their own, and their fellows', which secrecy ought not to exist longer than the term, or after the bill is publicly read in court: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That all grand jurors shall be competent witnesses in any court of record in this state, where it may be necessary, on account of any thing that may be given in evidence before them, as a body of grand jurors; any law to the contrary notwithstanding.

Grand jurors shall be competent witnesses, where it is necessary, on account of any thing that may be given in evidence before their body.

SECT. 2. *And be it further enacted,* That in future the oath to be administered to the foreman of all grand juries shall be as follows, viz: "You, as foreman of the grand jury of the county of ——— shall diligently inquire, and true presentment make, of all such matters and things as shall be given you in charge, or shall come to your knowledge, touching the present service, the state's council, your fellows' and your own, you shall keep secret, (unless called on to give evidence thereof in some court of law in this state): you shall present no one for envy, hatred or malice, nor shall you leave any one unrepresented, from fear, favour, affection or reward, or the hope thereof; but you shall present all things truly, and as they come to your knowledge; so help you God." And the same oath which is taken by the foreman, shall be taken by each and every member of any and all the grand juries in this state.

The oath to be administered to the foreman of grand juries.

The same oath to be taken by each member.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 301.)

AN ACT

To authorize the Justices of the Inferior Court for the counties of Tatnall and Emanuel to draw Grand and Petit Jurors.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Justices of the Inferior Courts of the counties of Tatnall and Emanuel authorized to draw grand and petit jurors. *it shall and may be lawful for the justices of the Inferior Court for the counties of Tatnall and Emanuel, or a majority of them, to meet at the court-house, or place appointed for holding courts in the said counties, on a day to be fixed on by them, and shall then and there proceed to draw grand and petit jurors to serve at the ensuing spring term of the courts in said counties ; any law, usage or custom to the contrary notwithstanding.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 302.)

To authorize the Justices of the Inferior Courts of Pulaski and Telfair counties, with the Clerks of the Superior Courts and Sheriffs of said counties, to select and draw Grand and Petit Juries for the next terms of the Superior Courts of said counties.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the justices of the Inferior Court of Pulaski county, together with the clerk and sheriff, or a majority of them, to convene at the court-house in said counties, on the first Monday in January next, and then and there to select from the books of the receiver of tax returns, fit and proper persons to serve as grand and petit jurors, under the same rules and regulations as are directed by law.

Justices of the Inferior Court of Pulaski county, with the clerk and sheriff, authorized to select grand and petit jurors.

SECT. 2. *And be it further enacted,* That it shall be the duty of the said justices of the Inferior Court, together with the clerk and sheriff, so soon as the said grand and petit jurors are selected, to proceed forthwith to draw a grand and petit jury to serve at the next term of the Superior Court to be holden in said counties.

And also to draw a grand and petit jury, to serve at the next term.

SECT. 3. *And be it further enacted,* That the justices of the Inferior Courts of Telfair county, with the clerk and sheriff, meet at any time, being sixty days previous to the sitting of the Superior Court, and draw grand and petit jurors, and correct jury lists.

Justices of the Inferior Court of Telfair county required to draw grand and petit jurors, and correct jury lists.

SECT. 4. *And be it further enacted,* That all laws and parts of laws militating against this law be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

(No. 303.)

AN ACT

To authorize the justices of the Inferior Courts in this state to draw Grand and Petit Jurors in certain cases.

When the judges of the Superior Courts shall fail to draw grand and petit jurors, the justices of the Inferior Courts, or a majority of them, with the sheriff and clerk of the Superior Court, required to draw the same.
Proviso.

*BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior Courts for the several counties in this state, or a majority of them, together with the sheriff and clerk of the Superior Court, in any of their several counties, be, and they are hereby authorized and required, in all cases where there shall or may have been a failure of the judges of the Superior Courts, in drawing grand and petit jurors agreeable to law, to assemble at the court-house in their several counties, at any time which shall be to them convenient, and proceed to open their jury boxes, and draw from said boxes a sufficient number of names to serve as grand and petit jurors for their, or either of their said counties, at their next then depending Superior Courts; and the jury being so drawn, the said box or boxes again to seal and deliver, together with the keys, to the proper officer: *Provided*, that said assemblage and drawing shall be at least sixty days previous to the commencement of the Superior Court at which said jurors shall be liable to serve.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 30th November, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 304.)

More particularly to define and extend the power of Grand Juries in correcting lists of tax returns.

WHEREAS, serious inconvenience has, and is likely to result from erroneous lists of tax returns being made out for the collector : for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where any person shall have regularly listed and paid his tax in the county where he resides, and be returned as a defaulter in another or different county for the same tax, then, and in that case, the grand jury of the county claiming such default tax shall, on application being made by the collector of said county, certify to the fact, and request the comptroller general to countersign the same, so that it may serve as a sufficient voucher to authorize the treasurer of the state to credit the collector by the same amount, as though it had been a part of his insolvent list.

When a person shall have listed and paid his tax in the county where he lives, and be returned as a defaulter in another for the same tax, what shall be done by the grand jury of the county claiming such default tax.

SECT. 2. *And be it further enacted,* That when any collector, after being furnished with the receipts of the receiver and collector of the county where the aforesaid tax has been paid, shall fail to apply to the grand jury for a certificate as aforesaid, and shall proceed to execute, or have executed, the property of the person so returned as a defaulter, for each and every such offence he shall pay the sum of fifty dollars, to be applied to county purposes.

Penalty on the collector who shall execute the property of a person so returned as a defaulter.

SECT. 3. *And be it further enacted,* That all acts or parts of acts repugnant to, or militating against the foregoing act, is hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 305.)

AN ACT

For the relief of the Grand and Petit Jurors of Jefferson county.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the Justices of the Inferior Court of the county of Jefferson be, and they are hereby authorized and directed to remit the fines imposed by the court on the defaulting grand and petit jurors of said county in February term, 1817.

Inferior Court of Jefferson county required to remit the fines imposed on the defaulting grand and petit jurors in February term, 1817.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 306.)

AN ACT

To authorize the justices of the Inferior Court of Baldwin county to select fit and proper persons to serve as Grand and Petit Jurors.

Preamble. WHEREAS, the jury box of said county has been accidentally broken open, and the tickets all destroyed; and for remedy whereof,

BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That it shall be the duty of the justices of the Inferior Court of Baldwin county, together with the sheriff and clerk of the Superior Court, or a majority of them, to convene at the court-house in said county, at any time they may appoint, whose duty it shall be to select from the books of the receiver of tax

The justices of the Inferior Court of Baldwin county, with the sheriff and clerk of the Superior Court, re-

returns, fit and proper persons to serve as grand jurors, and correct the petit juror list, (No. 306.)
under the same rules and regulations as directed by a law passed the 7th December, 1805:

quired to select fit persons for grand jurors, and to correct the petit jury list.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

LANDS, ACTS RELATIVE TO.

1811.

(No. 307.)

AN ACT

To afford temporary relief to the purchasers of Fractional Surveys, and to prevent the said fractions from being sold for the tax thereof, until they are paid for to the state.

Indulgence granted to the purchasers of fractional surveys in the counties of Baldwin and Wilkinson.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That purchasers of fractional surveys in the late purchase in the counties of Baldwin and Wilkinson, upon paying up all the interest due, and to become due on their respective bonds, up to the first day of May next, and also to pay into the treasury of this state, one-third of the principal of the sum or sums that may then be due and owing to the state for such fractions, shall not be compelled to pay any further sum until the end of twelve months thereafter, any law to the contrary notwithstanding.*

No purchaser entitled to the benefits of this act until he shall have given new security, or the former security shall have acknowledged himself further bound. Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid, That no purchaser of fractional surveys shall be entitled to any of the benefits of this act, until they shall have given new, good and sufficient security, to be approved of by his excellency the Governor, or the former security shall have re-acknowledged themselves further bound; and in all cases where the former security shall have become doubtful, in that case his excellency the Governor may require such new security as he may deem sufficient. And provided nevertheless, that nothing in this act contained shall prevent the foreclosure of the bond and mortgage given in payment for the first sale of fractions, in the counties of Wayne, Wilkinson and Baldwin.*

SECT. 3. *And be it further enacted*, That the treasurer shall place into the hands of the proper officer or officers the bonds and mortgages given for the payments of fractional surveys, in the first purchase of Wayne, Wilkinson and Baldwin.

(No. 307.)
Bonds, &c. of purchasers in the first purchase, to be placed in the hands of the proper officer.

SECT. 4. *And be it further enacted*, That no tax collector shall be authorized to sell any fractional surveys, sold in the counties of Baldwin, Wilkinson and Wayne, in the late purchases; and all such sales made by any tax collector, or other person acting under the authority of any such collector, shall be deemed fraudulent.

Fractional surveys not to be sold by tax collectors.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 14th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 308.)

Supplementary to an act, entitled An act to point out the mode of rendering void all grants or other proceedings, founded on false or fraudulent returns, made by persons not entitled to draws in the late land lotteries in this state, and to repeal an act passed at the last General Assembly on that subject, passed the 22d December, 1808.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That immediately after the passing of this act, his excellency the Governor shall be, and he is hereby authorized and required to appoint three fit and discreet persons as commissioners, whose duty it shall be to sell all such land that has been or may be recovered in the Superior Courts, not heretofore disposed of, and the said commissioners shall each give a like bond and security, take a like oath, and be governed in all respects, and sell on the said terms as are pointed out in an act, entitled *An act to sell and dispose of the squares and fractional parts of surveys of land in the seventh district, formerly Baldwin, now Twiggs county, which remain yet unsold or disposed of, the same being re-surveyed by David*

The Governor authorized to appoint three commissioners to sell such land as has been, or may be recovered in the Superior Courts, not heretofore disposed of. Said commissioners to give bond and security. Sales regulated.

(No. 308.) M^cCord, surveyor, appointed by his excellency the Governor to re-survey the fractional surveys in said district, which were originally surveyed by Benajah Smith, surveyor, and other lots therein mentioned, passed the 15th day of December, 1810.

Repealing
clause.

SECT. 2. *And be it further enacted*, That this supplement shall be considered as a part of the above recited act of 1808.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 309.)

AN ACT*

To continue in force an act, passed the 22d day of December, 1808, giving further time to the fortunate drawers in the late land lotteries to take out their grants.

The time al-
lowed by the
recited act for
taking out
grants, ex-
tended to the
10th of No-
vember, 1812.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the time allowed by the above recited act for taking out grants be, and the same is hereby extended and continued until the tenth day of November, eighteen hundred and twelve, any law to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* Time extended by act of 1812, No. 310.

AN ACT

(No. 310.)

**To continue in force an act, passed the 22d day of December, 1808, giving further time to the fortunate drawers in the late land lotteries to take out their grants.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the time allowed by the above recited act, for taking out grants be, and the same is hereby extended and continued until the first day of October, eighteen hundred and thirteen, any law to the contrary notwithstanding.*

Time for the fortunate drawers in the late land lotteries to take out their grants extended to the 1st of October, 1813.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th November, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT†

(No. 311.)

To authorize the fortunate drawers in the late land lotteries in this state to take out their grants until the tenth day of November, 1814, and after that day to authorize any citizen of this state to take out grants in said lotteries.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That all persons who may have drawn land in the late land lotteries of this state, or their legal representatives, be at liberty to take out grants for the lots of land drawn by them respectively, on pay-*

Fortunate drawers, &c. in the late land lotteries may take out their grants until the 10th of November, 1814.

* Time extended by act of 1813, No. 311.

† This act is amended by act of 1814, No. 313; which is also amended by an act of the same year, No. 314, whereby the time is further extended, &c.

(No. 311.) ment of the office fees, until the tenth day of November, eighteen hundred and fourteen, any law to the contrary notwithstanding.

After the time aforesaid any citizen of this state, upon payment of the usual fees, may take out a grant for any lot drawn in any of said lotteries.

Proviso.

SECT. 2. *And be it further enacted*, That after the tenth day of November next, any person or persons, citizens of this state, who shall apply at the necessary offices, may, on payment of the usual fees for taking out grants in the late land lotteries of this state, take out and receive, in his own name, a grant for any one lot of land in either of the land lotteries in this state, which shall not be then granted: *Provided*, that no person shall be authorized to take out a grant for any lot drawn by any orphan or orphans not then of age, and having no legal representative in the state.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

(No. 312.)

AN ACT

To legalize a certain description of grants, which have heretofore or may hereafter be issued by the proper authority in this state.

Preamble.

WHEREAS, it has so happened, in the course of Divine Providence, that a number of persons, after having performed valuable services to the state, and were entitled to bounties of land for their services, have departed this life before grants have issued for the same; and whereas, several persons, since drawing lands in the late land lottery, have died before the issuing of grants for the land; and whereas, a number of grants have been issued by the Governor of this state to persons after death, and as doubts exist as to the validity of such grants:

Grants issued by the Governor to grantees who were dead before the issuing of the same, made valid, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That all grants which have, or may be issued by the Governor of this state, to persons who have or may be dead before the issuing or signing of the same, shall be deemed, held and considered as valid and legal in law, as if the said grantee or grantees had been

alive at the time of the issuing and signing of said grant or grants, and as such submitted (No. 312.) to the jury, any law, usage or custom to the contrary notwithstanding.

SECT. 2. *And be it further enacted*, That all grants which have, or may be issued by the Governor of this state to females who have intermarried, or may hereafter intermarry previous to the issuing and signing of the same, shall be deemed, held and considered as valid and legal in law, as if the said grantee or grantees had remained unmarried at the time of issuing and signing said grant or grants, and as such submitted to the jury, any law to the contrary notwithstanding: *Provided*, nothing in this act contained shall be so construed as to authorize the admission of any grant or grants in courts issued for lands on the south side of the Oconee river, prior to the late land lotteries.

Grants issued to females who have intermarried, or may intermarry previous to the issuing of the same, legalized. Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 313.)

To amend an act entitled "An act to authorize the fortunate drawers in the late land lotteries of this state to take out their grants until the 10th day of November, 1814, and after that day to authorize any citizen of this state to take out grants in said lotteries," and for other purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That after the said tenth day of November, any person or persons, citizens of this state, who shall apply at the necessary offices, may, on payment of one hundred dollars each, including the usual fees, take out and receive in his, her or their own name or names, a grant or grants, for any lot or lots of land in either of the land lotteries of this state, which shall not be then granted.

After the 10th of November, citizens of this state, upon payment of \$100 each including the usual fees, may take out in their own names grants to lots in the late lotteries, not before granted.

* See act of 1814, No. 314, supplementary to and amendatory of this act.

(No. 313.) *SECT. 2. And be it further enacted,* That from and after the first day of January next, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, on payment of fifty dollars each, including the usual fees, to take out, and receive in his, her or their own name or names, a grant or grants for any lot or lots of land in either of the land lotteries of this state, which shall not be then granted.

After the 1st of March next, the like may be done on the payment of \$25 each, including the usual fees. *SECT. 3. And be it further enacted,* That from and after the first day of March next, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, on payment of twenty-five dollars each, including the usual fees, to take out, and receive in his, her or their own name or names, a grant or grants for any lot or lots of land in either of the land lotteries of this state, which shall not be then granted.

After the 1st of May next, the same privilege allowed, upon payment of the usual fees. *SECT. 4. And be it further enacted,* That from and after the first day of May next, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, on payment of the usual fees for taking out grants in the late land lotteries of this state, to take out in his, her or their own name or names, a grant or grants for land in either of the land lotteries in this state, which shall not be then granted.

No person allowed to take out a grant for any lot drawn by, or for any orphan who may not have been of age for one year, or who has no legal representative in the state. *SECT. 5. And be it further enacted,* That no person or persons shall be authorized to take out a grant for any lot drawn by, or for any orphan or orphans, who may not have been of age for the term of one year at the time of taking out such grant or grants, or who have no legal representative in this state.

Repealing clause. *SECT. 6. And be it further enacted,* That all acts or parts of acts militating against this act shall be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 5th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 314.)

Supplementary to, and amendatory of an act, entitled An act to amend an act, entitled An act to authorize the fortunate drawers in the land lotteries in this state to take out their grants, until the 10th day of November, 1814, and after that day to authorize any citizen of this state to take out grants in said lotteries, and for other purposes therein mentioned, passed on the 5th day of November, 1814.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the fortunate drawers in the late land lotteries of this state be, and they are hereby authorized, on payment of the usual fees, to take out their grants until the first day of April next.

Fortunate drawers in the late land lotteries authorized to take out grants until the 1st of April next.

SECT. 2. *And be it further enacted,* That after the said first day of April next, any person or persons, citizens of this state, who shall apply at the necessary offices, may take out and receive in his, her or their own name or names, a grant or grants for any lot or lots of land in either of the land lotteries of this state, which shall not then be granted, on payment of one hundred dollars on each grant, including the usual fees.

After the 1st of April next, any citizen of this state may take out grants in their own name for any land in either of the lotteries not before granted, on payment of \$100 on each grant, including the usual fees.

SECT. 3. *And be it further enacted,* That from and after the first day of June next, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, to take out and receive in his, her or their own name or names, a grant or grants for any lot or lots of land in either of the land lotteries of this state, which shall not be then granted, on payment of fifty dollars on each grant, including the usual fees.

After the 1st of June next, the same privilege allowed, on the payment of \$50 on each grant, including fees.

SECT. 4. *And be it further enacted,* That from and after the first day of August next, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, to take out and receive in his, her or their own name or names, a grant or grants for any lot or lots of land in either of the land lotteries of this state, which shall not then be granted, on payment of twenty-five dollars on each grant, including the usual fees.

After the 1st of August next, the like privilege allowed on payment of \$25, including the usual fees.

(No. 314.)

After the 1st of October next, the like privilege allowed, on the payment of the usual fees.

SECT. 5. **And be it further enacted*, That from and after the first day of October next, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, to take out and receive in his, her or their own name or names, a grant or grants, for any lot or lots of land in either of the land lotteries of this state, which shall not then be granted, on payment of the usual fees.

No person allowed to take out any grant in his own name, for any land drawn by or belonging to any orphan, until one year after such orphan shall become of age. Grants issued contrary to the foregoing provision, declared null and void.

SECT. 6. *And be it further enacted*, That nothing in this act contained, nor the act to which this is amendatory, shall be so construed as to authorize any person or persons to take out grant or grants in his, her or their own name or names, for any lot or lots of land drawn by, or belonging to, any orphan or orphans, until the expiration of one year after such orphan or orphans shall become of lawful age; and all grants issued in the name or names of any person or persons, for any lot or lots of land in either of the land lotteries of this state, drawn by, or belonging to, any orphan or orphans, until the expiration of one year after such orphan or orphans shall become of lawful age, such grant or grants shall be null and void to all intents and purposes, as if such grant or grants had not been issued.

Orphans, or their legal representatives, may take out their grants until the expiration of one year after such

SECT. 7. *And be it further enacted*, That all orphans, or their legal representatives, shall be, and they are hereby authorized to take out and receive their grant or grants, on payment of the usual fees, until the expiration of one year after such orphan or orphans shall become of lawful age.

Repealing section.

SECT. 8. *And be it further enacted*, That so much of the above recited act as authorizes any person or persons, citizens of this state, to take out a grant or grants in the late land lotteries in this state, in his, her or their own name or names, at the times therein stipulated, and all other parts of said act, and all other acts or parts of acts militating against this act be, and the same is hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th November, 1814.

PETER EARLY, GOVERNOR.

* This section amended by act of 1815, No. 315.

AN ACT

(No. 315.)

To amend the fifth section of an act supplementary to, and amendatory of an act, entitled An act to amend an act, entitled An act to authorize the fortunate drawers in the land lotteries in this state to take out their grants until the tenth day of November, one thousand eight hundred and fourteen, and after that day to authorize any citizen of this state to take out grants in said lotteries, and for other purposes therein mentioned, passed on the tenth of November, 1814.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the 10th January next, it shall and may be lawful for any person or persons, citizens of this state, who shall apply at the necessary offices, to take out and receive, in his, her or their own name or names, a grant or grants for any lot or lots of land, in either of the land lotteries of this state, which shall not heretofore have been granted, on payment of the sum of ten dollars on each grant.

After the 10th of January next, citizens of the state allowed to take out grants in their own names on the payment of \$10 on each grant.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the several state-house officers are authorized to receive, as a compensation for their services on each grant when granted, to be deducted out of the aforesaid grant fees, the following sums, to wit: To the surveyor general, one dollar twenty-five cents; to the secretary of state, one dollar fifty cents; to the treasurer, twenty-five cents; to the comptroller, twenty-five cents; to the Governor's secretaries, twenty-five cents.

The respective fees of the state-house officers on each grant.

SECT. 3. *And be it further enacted by the authority aforesaid,* That nothing contained in this act, shall be so construed as to deprive orphans of the benefit of the act to which this is amendatory.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 316.)

AN ACT

To authorize persons having grants to lands without plats thereof, to have those lands re-surveyed, and the plats thereof recorded in the county and Surveyor General's office.

Preamble.

WHEREAS, it is found from experience, that there are many grants of land of record, in the secretary of state's office of this state, the plats whereof were, during the revolutionary war, destroyed and taken from the office of the surveyor general, and no evidence thereof remain therein. And whereas, it is both expedient and essential to preserve and perpetuate the title to real estate thus acquired :

Persons having grants to land without plats thereof, may have the land re-surveyed, and the plats recorded.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all and every person or persons, who may be possessed of, or claim titles to any lands in this state, and to which land grants have been passed by authority thereof, and are of record in the office of secretary of state, but plats thereof are not of record in the surveyor general's office ; that then, and in that case, the person or persons so interested, and claiming lands thus situated, is, and are hereby authorized, by obtaining a copy of such grant from the office of the secretary of state, to apply to, and it shall be the duty of the county surveyor of the county in which the lands may be situated, to proceed to admeasure, ascertain and describe the same, in the best manner he can from the said copy grant, and such other evidence as he may be able to procure, either from persons or papers ; and after ascertaining the same, to make a record thereof in a book, by him to be kept for that purpose, and advertise the same for the term of three months, specifying therein to whom granted, and by whom claimed ; and it shall be the duty of the said county surveyor to make a return thereof to the surveyor general's office within twelve months thereafter, and that the surveyor general shall then record the same in his office : *Provided nevertheless,* that any person interested therein may, at any time within the said three months, enter in the office of the said county surveyor, or in the surveyor general's office, before the same shall be there recorded, a caveat against such record, which caveat shall be tried in the usual way of trying caveats against the passing of grants in the first instance ; from which an appeal may be had by either party to the Governor, as heretofore practised.

Proviso, as to caveats in such cases.

The recording of plats in certain cases provided for.

SECT. 2. *And be it further enacted,* That in all cases when persons interested in, or claim titles to land already granted, the copy of which plats are not of record, but the

plats annexed to the original grants are in the possession of such person or persons (No. 316.) claiming the same, it shall be lawful for such person or persons, at any time, to present the same to the surveyor general, whose duty it shall be to record the same in his office; a copy from which, as well as a copy from those plats recorded in the surveyor general's office, in pursuance of the foregoing section, (where the original plat cannot be had,) shall be held and deemed as legal evidence in all courts, where the titles to the said lands may be called in question.

Copies thereof
deemed legal
evidence.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said county surveyor and the surveyor general, for all services required of them by this act, to charge and receive the same fees as they receive for like services in other cases.

Fees of the
surveyor gen-
eral and coun-
ty surveyor

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 317.)

*More effectually to secure the good citizens of this state in their titles to their lands,
on the several streams and water-courses in the same.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That where any stream or water-course is the boundary line of any tract or parcel of land, and shall or may have changed its route, or formed its bed or channel through any tract or tracts of land, or be changed or altered by nature or art, so as to leave a part or the whole of any tract or tracts of land, on the opposite side from that on which it was at the time of survey, then, and in that case, it shall be lawful for the proper owner of said land, either by himself or agent, to call on the county surveyor or his deputy of the county in which the land lay prior to such change, who is hereby authorized and required to make an accurate survey of each part of a tract so cut off, separately, including the bed that such water-course formerly occupied, and make out a plat of the same, plainly designating the land to which it was formerly attached, and record the same in the county surveyor's office of the county in which the land originally lay; which

What shall be
done in case
any stream
(being the
boundary line
of any tract of
land) shall de-
viate or be
diverted from
its original
channel.

(No. 317.) said plat, when recorded and certified by the county surveyor as aforesaid, shall be received as evidence of title in any court of record in this state having competent jurisdiction.

Surveyor's
compensation.

SECT. 2. *And be it further enacted*, That the surveyor, when called on to perform any such survey, shall be entitled to receive from the person for whom the land was so surveyed, the same fees as are allowed in the fee bill now in force.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 26th November, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 318.)

AN ACT*

To dispose of and distribute the late cession of land obtained from the Creek and Cherokee nations of Indians by the United States, in the several treaties, one concluded at Fort Jackson, on the ninth day of August, in the year eighteen hundred and fourteen, and one concluded at the Cherokee Agency, on the eighth day of July, in the year of our Lord one thousand eight hundred and seventeen, and one concluded at the Creek Agency, on Flint river, the twenty-second day of January, in the year of our Lord one thousand eight hundred and eighteen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That the territory lying south of and south-west of the Oakmulgee and Altamaha rivers, and bounding on the counties of Wayne, Camden and the East Florida line, the Chattahoochee river, and the Creek temporary boundary line, do form three counties, viz :

* See act of 1819, No. 322, amendatory and revisory of this act; and to dispose of the territory acquired of the Cherokees in 1819, by Calhoun's treaty.

*All that part of said territory which lies west of a line to commence on the above (No. 318.) temporary line, and two and three-fourth miles on the east side of Flint river, and running south to the southern boundary of this state, shall form one county, to be called Early county. And all the balance of said territory, which lies west of a line to commence at the ford of the Oakmulgee, commonly called Blackshear's ford, and running south to the same boundary, shall form a county, called Irwin county. And the balance of said territory shall form one other county, called Appling county. The county of Early shall be laid off into districts of twelve miles and forty chains square, as near as convenience will admit, by running lines parallel with the dividing line between said county and the county of Irwin and others crossing them at right angles, and numbered from one to twenty-three. The districts shall be divided into squares of fifty chains, containing two hundred and fifty acres, by lines parallel with the district lines, and others crossing them at right angles, and the parts of tracts bounding on Flint river, and on all other water-courses within the territory, to be disposed of by this act, containing one hundred and sixty acres and under, shall be considered as fractions, and disposed of accordingly; that fractions not lying on water-courses, containing less than a full section or square, shall be considered fractions, and be disposed of by the state as other fractions not drawn for. The counties of Irwin and Appling shall be laid off into districts of twenty miles and ten chains square, as near as can conveniently be, by lines running parallel with the line dividing said counties, and others crossing them at right angles; and those of Irwin county, numbered from one to sixteen inclusive, and those in the county of Appling, from thirty-six to fifty inclusive, and divided into lots of seventy chains each way, containing four hundred and ninety acres each. And the surveyor general shall give to each district surveyor the necessary instructions for surveying, marking and numbering, in a clear and perspicuous manner, the squares and fractions in his district, in conformity with the spirit and meaning of this act.

acres each. Surveyor general to give necessary instructions to each district surveyor

Early county defined.

Irwin county defined.

Appling county.

Early county to be divided into districts of twelve miles and forty chains square.

Manner of doing it.

Said districts to be divided into squares of fifty chains.

How to be done.

What shall be considered fractions on water-courses.

Fractions not on water-courses.

Irwin and Appling counties to be laid off into districts of twenty miles and ten chains square. Manner of doing it.

To be divided into lots of 490

SECT. 2. *And be it further enacted*, That all that part of said territory which lies south and south-west of the Appalachee river, and adjoining the counties of Morgan, Jasper, the Alkafahatchee river, and the present temporary boundary between this state and the Creek Indians, and lying on the south-east side of the Chattahoochee river and south-west of the Terreor and Tugalo rivers, down the latter to the line of Franklin county, and bounded by Franklin and Jackson counties, shall form four counties, and be divided as follows, viz: †All that part of said territory which lies south and south-east of a line to begin on the temporary boundary line where the same crosses Yellow river,

Walton county defined.

* See title "Counties, &c." act of 1819, No. 167, by which Early, Irwin, and Appling counties are organized.

† See title "Counties, &c." act of 1818, No. 161, by which Walton, Gwinnett, Hall and Habersham are organized.

(No. 318.) and running north, sixty degrees east, to the Appalachee river, shall form one county, and be known and called Walton county ; and all that part of said territory which lies south-west of a line to begin at the mouth of Big creek, and running south, thirty degrees west, to the top of the ridge and line of the county of Jackson, thence along said line to the head of Appalachee river, thence down the same to the corner of Walton county, shall form one county, and be called Gwinnett county ; and all that part of said territory which lies south-west of a line to begin at a place where captain John Miller now lives, on the line of Franklin county, and running north, thirty degrees west, to the Chattahoochee river, and down the same to Gwinnett county line, shall form one county, and be called Hall county ; and all the balance of said territory shall form one other county, and be called Habersham ; and the said territory shall be divided into thirteen districts, as equally as conveniently can be, by running lines parallel with the lines dividing the county of Walton and Gwinnett, and others crossing them at right angles, and subdivided into tracts of fifty chains, containing two hundred and fifty acres each, by lines run as prescribed for subdividing the county of Early.

Gwinnett county laid out and defined.

Hall county laid out.

Habersham laid out.

Said territory to be divided into thirteen districts ;

And subdivided into tracts of 250 acres.

The surveyor general required to appoint surveyors to run and mark the county and district lines of said counties.

Exception.

Fractions to be sold.

SECT. 3. *And be it further enacted*, That the surveyor general shall be, and he is hereby authorized and required to appoint fit and proper persons, neither of whom shall be a district surveyor, to run and plainly mark the several county and district lines in the above counties, except the districts, numbers ten, eleven, twelve, thirteen, fourteen and fifteen, in Appling county.

SECT. 4. *And be it further enacted*, That the fractional parts of surveys, which may be created by the natural or artificial boundaries of said territories, except as is herein excepted by the provisions of this act, shall be sold, and the proceeds thereof placed in the treasury of the state.

As many surveyors as districts to be appointed by the legislature. The person having the highest number of votes entitled to the

SECT. 5. *And be it further enacted*, That a number of surveyors, equal to the number of districts, shall be appointed by joint ballot of the legislature in one general ticket, and the person having the highest number of votes shall be entitled to first choice of districts, and in that order, agreeably to the number of votes each surveyor so appointed may receive.

first choice of districts, and so on.

In case of tie, right of choice how determined.

SECT. 6. *And be it further enacted*, That if two or more persons shall have an equal number of votes, then, and in that case, it shall be determined by lot, under the superintendence of the surveyor general, which person or persons shall be entitled to choice of districts.

SECT. 7. *And be it further enacted,* That no ticket shall be counted unless it be filled (No. 318.) with the number of names from among the candidates equal to the number of districts. What tickets shall not be counted.

SECT. 8. *And be it further enacted,* That if any person shall offer and be elected a surveyor, who shall hereafter be found deficient in the qualification necessary to a due execution of the duties required by this act, it shall be deemed a forfeiture of his bond, and himself and securities immediately liable therefor. Any surveyor who shall be found unqualified for the duties of this act, to forfeit his bond.

SECT. 9. *And be it further enacted,* That the respective surveyors shall give bond in the penalty of ten thousand dollars, to his excellency the Governor and his successors in office, with such security as he or a majority of the justices of the Inferior Courts of the respective counties where the said surveyors may reside shall approve of, for the faithful discharge of the trust reposed in them, and duties required of them by this act; which bond shall be taken by the Governor or the aforesaid justices, and deposited in the executive office. Surveyors to give bond and security.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the surveyors, appointed in pursuance of this act, to make the surveys of the districts to which they may be appointed, in their own proper persons, to mark or cause to be marked, plainly and distinctly, upon trees, if practicable, otherwise stakes may suffice, all lines which may be required to be run, for the purpose of making the surveys in their respective districts, immediately after the boundary and district lines shall have been run by the proper authority; to cause all such lines to be measured with all possible exactness, with a half chain, containing two perches of sixteen feet and one half each, consisting of fifty equal links, which shall be adjusted by a standard, to be kept for that purpose, in the surveyor general's office; to take, as accurately as possible, the meanders of all water-courses which shall form natural boundaries to any of the surveys; to note in field books, to be kept by them respectively, the names of the corner and other station trees, which shall be marked and numbered in such manner as the surveyor general shall direct; also all rivers, creeks, and other water-courses, which may be touched upon or crossed, in running or measuring any of the lines aforesaid; transcripts of which field books, after being examined with the originals by the surveyor general, and certified and signed, on every page, by the district surveyor returning the same, shall be deposited in the surveyor general's office, there to be preserved as a record; to make a return, within five months after the running the boundary and district lines as aforesaid, of a map of the district to which they may respectively be appointed, in which shall be correctly delineated, represented and numbered, in such order as the surveyor general shall prescribe, all surveys within such districts, and also return, at the same time, a detached plat of every such survey of land, certified and signed by them, which plat shall be filed among the records in the surveyor general's office, and

(No. 318.) from which a copy shall be made, to be annexed to grants ; and to conform to such instructions as they may receive from the surveyor general, from time to time, during their continuance in office, and progress in the duties thereof, not militating with this act.

Compensation of surveyors.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the surveyors shall receive four dollars for every mile that shall be actually run or surveyed, as a full compensation for all the duties required of them by this act, out of which sum they shall defray the expenses of chain-men, axe-men, and every other expense incidental to the said business ; and his excellency the Governor is hereby authorized and required to issue his warrant on the treasurer, in favour of each and every surveyor, immediately after the boundary and district lines are completed, to the amount of four hundred dollars each, to enable them to proceed without delay to the execution of their duties ; for the balance, of which by this law they may be entitled, they shall receive a warrant in like manner, on producing to his excellency the Governor a certificate from the surveyor general, setting forth that such surveyor has completed the duties assigned him, and also the number of miles so run and marked, and made his return conformably to this act.

Compensation of the surveyors who may be employed in dividing said territory into counties and districts.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the surveyor or surveyors, who may be employed in dividing the said territory into counties and districts, shall receive five dollars for each mile run and surveyed, and shall be allowed an advance of one hundred and fifty dollars in manner aforesaid, out of which all expenses incidental thereto must be paid, without any additional charge on the state ; and his excellency the Governor is required to grant his warrant on the treasurer for the balance of that service, so soon as he shall be advised by the surveyor general of its completion.

Land, how disposed of.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the said land shall be distributed by lot in the manner following, to wit : After the surveying is completed, and the returns made to the surveyor general, his excellency the Governor shall cause tickets to be made out, whereby all the numbers of surveys in the different districts shall be represented, which tickets shall be put in a box to constitute prizes, with others to be denominated blanks, of which blanks the number or amount shall be determined by subtracting the number of prizes from the whole number of draws, to which the said lottery shall be subject, upon the following principles, that is to say ; every male white person of eighteen years of age and upwards, being a citizen of the United States, and an inhabitant of this state three years immediately preceding the passage of this act, including such as have been absent on lawful business, and all who served as drafted men or volunteers in the late Indian war, whose residence has not been three years in this state, and are now citizens of this state : *Provided,* they have resided, and

Who shall be entitled to a draw or draws.

Proviso.

continue to reside in this state since the time of said service or services being performed, shall be entitled to one draw; that all officers and soldiers of the revolutionary war, who are indigent or invalid, and who were engaged and fought as such, on behalf of the United States, in said revolutionary war, shall be, and they are hereby authorized to have two draws in addition to those heretofore authorized by law; and should any such officer or soldiers aforesaid have been a fortunate drawer in either of the land lotteries heretofore drawn in this state, he shall be, and he is hereby entitled to one draw in this lottery, and shall be excepted from the general provisions of the oath prescribed by this act, so far as regards that part of said oath which requires persons to swear that they have not been fortunate drawers in either of the previous lotteries in this state: *Provided*, the said officer or soldier shall swear that he is indigent or invalid, and that he was, as such officer or soldier, engaged in the service of, and fought in behalf of the United States in said revolutionary war; and that all widows or orphans, whose husbands or fathers were killed in the late wars with Great Britain and the Indians, shall be entitled to one draw, in addition to those already allowed by this act to widows and orphans; every male person of like description, having a wife or legitimate male child or children, under the age of eighteen years, or unmarried female child or children, shall be entitled to two draws; all widows, with like residence, shall be entitled to one draw; all families of orphans resident as aforesaid, under the age of twenty-one years, except such as may be entitled in their own right to draw or draws, whose father is dead, shall be entitled to one draw; and all families of orphans, consisting of more than two, who have neither father nor mother living, shall have two draws; but if not exceeding two, then such orphan or orphans shall be entitled to one draw, which shall be given in the county and district where the eldest of said orphan or orphans, or guardian resides: *Provided nevertheless*, that the person or persons who drew a prize or prizes in the late land lotteries, shall be excepted from any participation in the present lottery, except families of orphans consisting of more than one person, and such other persons as are herein excepted: *Provided also*, that the citizens of this state, who come under the provisions of this act as above contemplated, and who were legally drafted in the late war against Great Britain or the Indians, and refused to serve a tour of duty, either in person or by a substitute, shall not be entitled to the provisions of this act, as above contemplated; nor any of those who evaded a draft by leaving the state or county in which they resided, for that purpose. And if any minor or minors should draw land, the guardian of said minor or minors shall have the right or privilege of applying to the Governor, and obtain the grant or grants therefor, upon the payment of lawful fees; but said guardian shall not be permitted to sell said land during the minority of said minor or minors.

Proviso.

Proviso.

Guardians authorized to take out grants for lands drawn by their wards.

SECT. 14. *And be it further enacted*, That lists of persons entitled to draw in conformity to the provisions of this act, shall be taken and made out, within three months

Lists of persons entitled to draw,

- (No. 318.) from the passing of this act, by such fit and proper person or persons as the Inferior Court of each county in this state shall or may appoint for that purpose, not exceeding two to each battalion district; and it is hereby declared to be the duty of the said Inferior Courts respectively, to make such appointments for the purposes aforesaid, to attend at the place of holding justices' courts in each captain's district, on as many several days as the said Inferior Courts may deem necessary and appoint for that purpose; and it shall be the duty of such person or persons so appointed, to take and make out such lists, and to give at least ten days notice of such attendance in the aforesaid captain's district; and the names of persons so entitled to draws, with the number of draws to which they may be entitled, shall be entered, in alphabetical order, in a book to be provided for that purpose, which lists or books shall, immediately after the same shall be completed, and transcripts thereof deposited in the office of the clerks of the Superior Courts, be transmitted by the said person or persons to his excellency the Governor; and the said persons thus appointed by the Inferior Courts shall, before they enter upon the execution of the duty required of them by this act, take and subscribe the following oath, to wit: "I, A. B. do solemnly swear, or affirm, (as the case may be,) that I will not receive or register any name, except the person giving in shall first take the oath prescribed by this act, so help me God;" which oath any justice of the Inferior Court is hereby required to administer; and the said person or persons appointed to take the lists as aforesaid, shall administer to all applicants for draws, other than widows, guardians or next of friends, of orphans and revolutionary officers and soldiers who are indigent or invalid, and those who have served a campaign in the late Indian war, and whose residence has not been three years in this state, the following oath, to wit: "I, A. B. do solemnly swear, or affirm, (as the case may be,) that I am a citizen of the United States, and have resided in this state three years immediately preceding the passing of this act, and have not, during any part of that time resided upon the Cherokee or Creek lands, or beyond the jurisdictional limits of this state, and am now an inhabitant of this district; that I was eighteen years of age at the time of the passing of this act; that I have, or have not a wife, child or children, (as the case may be,) that I have not given in my name for any draw or draws in the present contemplated lottery, in any other part of this state; that I have not drawn a tract of land in the former lotteries in my individual capacity, or as an individual orphan, and that I did not, either directly or indirectly, evade the service of this state, nor of the United States, in any of the late wars carried on against Britain or the Indians;" and all guardians or next of friends, to any family of orphans, shall take the following oath, to wit: "and that the orphan or family of orphans whom I now return is, or are entitled to a draw or draws under this act, to the best of my knowledge; so help me God." And revolutionary officers or soldiers shall take the following additional oath to the one prescribed to white males: "I, A. B. do further swear, that I was an officer or soldier, (as the case may be,) during the revolutionary war, that I was engaged in the ser-
- when to be taken and made out.
Persons for that purpose to be appointed by the Inferior Courts, &c.
Duty of persons so appointed.
- An oath to be taken by them.
The oath.
- Said persons shall administer an oath to all applicants for draws, other than widows, &c. &c.
- The oath.
- Guardians or next friends of any family of orphans to take an oath.
The oath.
- Oath of revolutionary officers or soldiers.

vice of the United States, and that I am an invalid or indigent officer or soldier of the revolutionary war," (as the case may be); and to those entitled to a draw by this act, for service rendered in the late Indian war, whose residence in this state have not been three years previous to the passing of this act, the following oath: "I do solemnly swear, or affirm, (as the case may be,) that I am a citizen of the United States, that I performed a tour of duty in the late Indian war, (as a volunteer or drafted militia man of this state, as the case may be,) that I have been a resident of the same ever since that time, and that I am now an inhabitant of this district, that I have not given in my name for any draw or draws in the present contemplated lottery in any other part of this state, that I have not drawn a tract of land in any of the former lotteries of this state, so help me God;" and to all widows the following oath: "I, A. B. do solemnly swear, or affirm, (as the case may be,) I am a widow, that I have resided the three last years in this state, and am now resident in this district, that I have not put in my name for a draw in the present lottery in any other part of this state, and that I have not drawn land in the former lotteries, to the best of my knowledge and belief; so help me God."

(No. 318.)
The oath to be taken by those entitled to a draw for service in the late Indian war, whose residence in the state has not been three years previous to the passing of this act, prescribed.

Oath of widows.

SECT. 15. *And be it further enacted*, That the person or persons appointed by the Inferior Court to receive and enter the names of applicants entitled to draws in the present lottery, shall receive for each draw twenty-five cents, to be paid by the applicant for said draw or draws; and his excellency the Governor is hereby authorized and required forthwith to issue his proclamation, and cause the same to be published in one of the gazettes of Milledgeville, Savannah and Augusta, setting forth the outlines of this act, and requiring all persons interested therein to exhibit their claims in the counties of their respective residence.

Compensation of persons appointed to receive and enter the names of applicants. The Governor authorized to issue his proclamation setting forth the outlines of this act, &c.

SECT. 16. *And be it further enacted*, That as soon as the lists of persons entitled to draws in the lottery, as aforesaid, shall have been received at the executive department, his excellency the Governor shall cause tickets to be made out for carrying the said lottery into effect, in the following manner, that is to say; blank pieces of paper, equal in number to the whole number of draws to which the lottery may be subject, and as equal in size as possible, shall be prepared, and on them shall be written, separately, the names of the several persons entitled to draws as aforesaid, and the designatory remarks which may appear against each name; and the pieces of paper so written on shall be deposited in one wheel, and the blanks and prizes on pieces of paper, also as equal in size as possible, shall be deposited in another wheel, which prizes to be drawn for, shall be composed of each whole square or tract of land, and also all fractions on Flint river, and other water-courses, containing one hundred and sixty acres or upwards, according to the return of the surveyor or surveyors: *Provided nevertheless*, that nothing herein con-

Manner of conducting said land lottery prescribed.

(No. 318.) tained shall be so construed as to form fractions on any water-courses except the Flint river, and such other streams as form the boundary of the territory to be disposed of by this act; and from each wheel, as nearly at the same time as can be, one ticket shall be taken and delivered to the managers appointed to superintend the drawing of said lottery, whose duty it shall be to have the name, if a prize should be drawn against it, entered in a book to be provided for that purpose, and opposite thereto the number of the lot so drawn, and the number of the district, and the name of the county in which the same may be, and that his excellency the Governor shall cause one month's notice of the day the drawing of the lottery will commence, to be given in the several gazettes aforesaid.

The Governor to give one month's notice of the day on which the drawing will commence.

Vacancies of district surveyors, how filled.

SECT. 17. *And be it further enacted*, That where vacancies may happen by death, resignation, or otherwise, of any district surveyor or surveyors, appointed in pursuance of this act, the Governor is authorized and required to fill up such vacancy or vacancies; and in case any surveyor shall fail to execute the trust reposed in him, either from inattention or otherwise, in such manner as, in the opinion of the Governor, may render doubtful the finishing the surveys within the time limited, he shall have power to declare such appointment vacant, and to fill up the same as in case of other vacancies.

An oath to be taken by the surveyors.
The oath.

SECT. 18. *And be it further enacted by the authority aforesaid*, That the surveyors to be appointed in pursuance of this act shall, before they proceed to the duties of their appointments, take and subscribe the following oath or affirmation: to wit, "I, ———, do solemnly swear, or affirm, (as the case may be,) that I will well and faithfully, to the utmost of my skill and abilities, discharge the duties of surveyor for district No. —, agreeably to the requisitions of this act, so help me God;" which oath the surveyor general is authorized and required to administer; and all chain-men to be employed in pursuance of this act, shall, before they enter severally upon their duty, take the following oath or affirmation: to wit, "I ———, do solemnly swear or affirm, (as the case may be,) that I will, to the utmost of my skill and judgment, measure all lines which I shall or may be employed on as a chain-carrier, as accurately, and with as little deviation from the courses pointed out by the surveyor as possible, and give a true account of the same to the said surveyor, so help me God;" and to every axe-man or marker, an oath similar to the above, so as to effect the objects of his duty; which oath the district surveyors are hereby empowered and required to administer.

Chain-men to take an oath.

The oath.

The axe-man or marker to take an oath.

Preamble to section 19th.
Grants founded on illegal surveys in said territory declared null and void, &c.

SECT. 19. *And whereas*, it may so happen that persons have surveyed lands in the aforesaid cessions contrary to law, and on which grants may have been issued: *Be it therefore enacted by the authority aforesaid*, That all such surveys or grants are hereby declared to be null and void to all intents and purposes, as though the same had never been made or issued; nor shall any survey or grant in the aforesaid cessions be admitted

to a jury, as evidence of title to the lands in this act described, except those obtained by (No. 318.) virtue and under the authority of this act, any law to the contrary notwithstanding.

SECT. 20. *And be it further enacted*, That all persons against whose names lands may be drawn in pursuance of this act, shall be entitled to receive grants for the same, vesting in them fee simple titles, on paying into the treasury of this state the sum of eighteen dollars for each tract so drawn and granted, in lieu of all fees of office and other charges for surveying and granting the said lands: *Provided nevertheless*, That if any person or persons, entitled to such grant or grants, shall fail to pay the aforesaid sum, and take out such grant or grants within two years from the completion of the lottery, except as herein before excepted, the same shall revert to and be vested in this state.

Fortunate drawers entitled to their grants on payment of \$18.

Proviso.

SECT. 21. *And be it further enacted by the authority aforesaid*, That all returns, made contrary to the true intent and meaning of this act, are declared to be fraudulent, and all grants issued in consequence of any draw made in the contemplated lottery, on such fraudulent return, are hereby declared to be null and void, and the lands so granted shall revert to, and become the property of this state. And the question of fraud may be tried in a *scire facias* in favour of the state, against the tenant in possession, or the drawer, setting forth the circumstances specially; and the land, when condemned, shall belong, one half to the state and the other half to the informer.

Grants founded on fraudulent draws, declared null and void.

The question of fraud how tried.

SECT. 22. *And be it further enacted*, That lots Nos. 10 and 100, shall be reserved and set apart in each surveyor's district for the education of poor children.

Reservation of lots for the education of poor children.

SECT. 23. *And be it further enacted*, That the proceeds arising from the sales of the fractions, if there be any after defraying the necessary expenses, be set apart as a permanent fund for the purpose mentioned in the preceding section.

Monies arising from the sales of fractions appropriated.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 15th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 319.)

AN ACT

To limit the time for persons to take out their grants in this state, so far as relates to land surveyed on head rights and bounty warrants.

Persons who have had land surveyed on head rights, or bounty, required to take out their grants in a certain time, otherwise to revert to the state.

Proviso.

Grants to land hereafter so surveyed shall be taken out within three years from the time of survey, otherwise the land shall revert.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That from and after the term of two years from the passing of this act, all persons who have heretofore had any tract or tracts of land surveyed in this state on head rights or bounty, shall take out the grant for the same, otherwise it shall revert to, and become the property of the state, and be subject to be surveyed by any other person, who is authorized to survey the same, and obtain a grant from the state: *Provided nevertheless,* that nothing herein contained shall be so construed, as to operate against or prejudice the claim of any orphan or orphans.

SECT. 2. *And be it further enacted,* That the time hereafter to be allowed to persons who may hereafter have any land surveyed in this state, on head right or bounty, shall be three years from the time of making such survey, and in case of failure or neglect to take out the grant, it shall revert to and become the property of the state, and be subject to be surveyed and granted to any person or persons, who are hereby authorized to survey the same, with the same proviso as is contained in the above section.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 320.)

To legalize and make valid the returns for draws in the present contemplated land lottery, which have been received by the Inferior Courts in this state.

WHEREAS, under the act disposing of the territories lately acquired from the Creek and Cherokee nations of Indians, several of the Inferior Courts of the different counties in this state felt themselves authorized to receive the returns for draws in said lottery, in their own persons, and did accordingly receive returns, and make their returns to the executive in terms of the said law. And whereas, some doubts have been entertained whether the said returns were according to the true intent and meaning of the said act, authorizing said lottery:

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all returns for draws in said lottery, which have been received by the members of any of the Inferior Courts in this state, instead of appointing other persons to receive them, and which have been returned to the executive office of this state, shall be taken, held and considered as good and valid in law, as though they had been taken and returned by any person or persons, other than the Inferior Court, who might have been appointed by any Inferior Court, under the aforesaid statute for the aforesaid purposes, any law or construction of laws to the contrary notwithstanding.

Returns for draws taken by the members of any of the Inferior Courts, and returned to the executive office legalized.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 321.)

AN ACT

For the relief of persons who were entitled to draw or draws in the land lottery, agreeable to an act, entitled An act to dispose of and distribute the late cession of land obtained from the Creek and Cherokee nations of Indians by the United States, in the several treaties, &c. passed the fifteenth day of December, eighteen hundred and eighteen.

Preamble.

WHEREAS, it appears that a number of the good citizens of this state, by not being properly apprised of the provisions of the before recited act, or were absent from the state on lawful business, and the time limited therein for giving in their names, although duly qualified and entitled to a draw or draws, are now prevented from doing so, in consequence of the justices who took in their names having made their returns to the executive office as the law directs.

Persons entitled to draws in the land lottery, may give in their names on or before the 31st of May next. What to be done by them.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That all persons duly entitled to a draw or draws in said lottery, who shall, on or before the thirty-first day of May next, go before the Inferior Court of their county, or any justice of the same out of court, and take the oath prescribed by said act, shall receive from such court, or justice out of court, (he, she or they paying twenty-five cents for each draw or draws he, she or they may be entitled to,) a certificate of the same; which certificate being transmitted to his excellency the Governor, he shall cause the same to be entered on the list of names returned to him from the district where such person or persons resided; and such person or persons whose names are so entered, shall be as fully entitled to their draw or draws as if they had been taken in the first instance.

Certificates returned previous to the passing of this act legalized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all those certificates returned to the executive office by those persons who were appointed to take the list of names of persons entitled to a draw or draws, or by any justice of the Inferior Court or justice of the peace, previous to the passing of this act, shall be considered valid,

and shall be enrolled in their proper places accordingly, and such persons entitled to (No. 321.) said draw or draws as though they had given in as prescribed by said act.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 322.)

Amendatory and revisory of an act, passed the 15th day of December, 1818, to dispose of and distribute the late cession of land obtained from the Creek and Cherokee nations of Indians by the United States, in the several treaties; one concluded at Fort Jackson, on the ninth day of August, in the year 1814, and one concluded at the Cherokee Agency, on the 8th day of July, in the year of our Lord one thousand eight hundred and seventeen, and one concluded at the Creek Agency, on Flint river, the 22d day of January, in the year of our Lord 1818; and to dispose of the territory lately acquired of the Cherokee Indians, by a treaty held by the honorable John C. Calhoun, at the city of Washington, on the 27th day of February, in the year of our Lord 1819.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

That all that part of the territory aforesaid, which lies in the fork of the Chatahoochee and Chestatee rivers, and south-west of a line beginning on the Chatahoochee river, where the line dividing the counties of Hall and Habersham corners on the same, and running thence a due west course, until the same strikes the Chestatee river, be added to and become a part of Hall county, and that the same be laid out into three districts, as nearly equal as practicable; and that all of the said territory which lies north-east of the before recited line, and north-west of the Chatahoochee and Blair's line, until the same strikes the top of the Blue Ridge, be, and the same is hereby added to, and become a part of Habersham county, which shall be laid out into six districts, as nearly equal as practicable; and all the balance of the said territory shall form one county, to be called

Additional territory added to Hall county.

The same to be laid out into 3 districts.

An addition made to Habersham county.

To be laid out into 6 districts. The remain-

(No. 322.) and known by the name of Rabun,* and be laid off into five districts, as nearly equal as practicable.

ing territory
to form the
county of Ra-
bun.

Districts, Nos.
5 & 6, in Ha-
bersham coun-
ty, and Nos. 1,
3, 4, & 5, in Ra-
bun, to be laid
off into tracts
of 490 acres
each.

Numbers 10,
11 and 12, in
the county of
Hall, and 1, 2,
3 & 4 in Ha-
bersham, and
No. 2, in Ra-
bun, to be laid
off into tracts
of 250 acres.

Fractions,
what consi-
dered as such,
and how dis-
posed of.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the districts, numbers five and six, in the county of Habersham, and districts numbers one, three, four and five, in the county of Rabun, be laid off into tracts of seventy chains each way, containing four hundred and ninety acres each, by lines running north and south, intersected by others at right angles. The districts numbers ten, eleven and twelve, in the county of Hall, and the districts numbers one, two, three and four, in the county of Habersham, and district number two, in the county of Rabun, be laid off into tracts of fifty chains each way, containing two hundred and fifty acres, by lines running due north and south, intersecting others at right angles; and that all tracts or lots which shall contain less than one hundred and sixty acres, and lying on the Chatahoochee, the Chestatee, the Chetauga, and the Terrura rivers, shall be considered fractional tracts, and disposed of accordingly; and that all other tracts or fractions lying on the dry lines, containing less than full squares, shall be considered fractions, and shall be disposed of accordingly; and all other fractions containing above one hundred and sixty acres, except on the dry lines, shall be drawn for as squares, and all the squares and such fractions shall be put into the wheel and drawn at the same time as the squares and fractions in the act to which this is a supplement.

Surveyor ge-
neral to give
instructions to
the district
surveyors.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the surveyor general shall give each district surveyor instructions, in conformity with those given agreeably to the act recited by this act in the caption of the same.

Three survey-
ors to be elec-
ted by the le-
gisature, to
lay off said
territory into
14 districts.
Their com-
pensation.

SECT. 4. *And be it further enacted by the authority aforesaid,* That there shall be elected, by joint ballot of the legislature during the present session, three surveyors, who shall lay off said acquired territory into fourteen districts, as nearly equal in size as practicable, agreeably to the provisions of this act, and who shall receive four dollars as a compensation for each mile run by them in laying out said districts, and running the county lines agreeable to the provisions of this act.

14 surveyors
to be elected
to lay off said
districts into
lots, &c.

Their com-
pensation.

SECT. 5. *And be it further enacted by the authority aforesaid,* That there shall be elected fourteen surveyors in the manner above pointed out, who shall lay off the districts aforesaid into lots and fractions, agreeably to the provisions of this act, and who shall receive four dollars as a compensation for each mile run by them in laying off said districts into lots and fractions as aforesaid.

* See title, "Counties, &c." act of 1819, No. 170, by which the county of Rabun is organized.

SECT. 6. *And be it further enacted,* That the persons appointed agreeably to the provisions of this act, to lay off said territory into districts, shall give bond and security to his excellency the Governor in the penal sum of five thousand dollars, for the faithful performance of their duty in three months from the date of their appointments, and who shall take the oath prescribed by the before recited act. (No. 322.)
District surveyors to give bond and security, and take an oath.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the persons elected agreeable to the provisions of this act, to check off said territory into lots, &c. shall give bond and security to his excellency the Governor, and take the oath prescribed by the before recited act, and perform their duties in strict conformity with the same, and for any failure shall incur the same penalties. Checking surveyors to give bond and security, and take an oath.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the surveyors respectively appointed by this act, shall be allowed the same sums in advance, and under the same restrictions contained in the before recited act. What sums paid in advance to said surveyors.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the labour of the three district surveyors to be elected agreeably to the provisions of this act, shall be as nearly equalized as can conveniently be by the surveyor general of this state, and the person having the highest number of votes at said election shall be entitled to first choice of parts, and in that order agreeable to the number of votes they may receive. Labour of the district surveyors to be equalized. Choice of districts regulated.

SECT. 10. *And be it further enacted,* That no ticket shall be counted, unless it shall contain the full number of persons to be elected either as district or checking surveyors, out of the number of candidates; and each surveyor elected to check off districts shall be entitled to choice agreeable to the provisions of the before recited act. What tickets shall not be counted.

SECT. 11. *And be it further enacted,* That said territory, when surveyed, shall be distributed by lot in the same manner as prescribed by the thirteenth section of the before recited act, with the exceptions hereinafter made. Said territory to be disposed of by lottery.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the lists of persons who may now be entitled to a draw or draws in conformity with the provisions of this act, shall be taken in and made out within three months after the passing of this act, by fit and proper persons to be appointed by the Inferior Court in each county for that purpose, under the provisions of the fourteenth section of the before recited act. Lists of persons now entitled to draws, how and in what time to be made out, &c.

(No. 322.)

Persons who have not given in for their full number of draws, authorized to do so.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if any person shall have failed to give in for the full number of draws to which they may have been entitled under the thirteenth section of the act of the 15th December, 1818, to which this act is a supplement, such person, on making oath that he or she had no knowledge of the provision so made in his or her favour, shall be authorized to give in for said draws under the same rules and regulations as pointed out by said thirteenth section.

Persons appointed to receive returns for draws, how qualified and paid.

Qualification of persons giving in. Proviso.

Proviso.

Proviso.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the persons appointed as aforesaid to take in the names of those persons entitled to draws, shall be qualified and paid in the same manner prescribed by the before recited act, and the qualifications of persons entitled to draws shall, in all instances, be the same; and the same oath or affirmation shall be administered: *Provided,* that nothing herein contained shall be so construed to prevent any person or persons from giving in for a draw or draws, who may have become entitled to the same since the passage of the before recited act, by marriage, citizenship or otherwise: *Provided,* they were citizens of this state three years immediately preceding the passing of this act; or prevent any person or persons from such draw or draws, who may have removed upon the territory acquired under any treaty after the ratification of the same: *And provided also,* that no person or persons shall be entitled to any draw or draws, who shall have resided upon said territory previous to the extinguishment of the Indian title to the same; and that all persons, before they be permitted to give in for draws, shall be sworn accordingly.

The Governor required to issue his proclamation setting forth the outlines of this act.

SECT. 15. *And be it further enacted by the authority aforesaid,* That his excellency the Governor is hereby authorized and required forthwith to issue his proclamation, and cause the same to be published in any of the gazettes of Milledgeville, Savannah, Augusta and Washington, setting forth the outlines of this act for the information of citizens entitled to the benefits thereof. And whereas, it may so happen that persons have surveyed lands in the territory now contemplated to be disposed of, contrary to law, and on which grants may have been issued:

Former surveys and grants in said territory declared null and void.

Be it therefore enacted by the authority aforesaid, That all such surveys or grants are hereby declared to be null and void, to all intents and purposes, as though the same had never been made or issued, nor shall any survey or grant in the aforesaid cession be admitted to a jury as evidence of title to the lands in this act described, except those obtained by virtue and under the authority of this act, any law to the contrary notwithstanding.

The territory laid out by this act to be disposed of agreeably to act of 1818.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the territory before laid out and defined agreeable to the provisions of this act, and that said territory shall be disposed of in the same manner, and under the same restrictions as contemplated by the before recited act.

SECT. 17. *And be it further enacted by the authority aforesaid,* That should there be more districts than there is contemplated in this act, and surveyors appointed for, that the Governor shall in all such cases be authorized to appoint a surveyor for each and every such district, as well in the present contemplated land lottery as the former, and to fill all vacancies that may occur in any of the appointments of surveyors, as well those who were authorized to lay off the counties and districts as those to check the districts.

(No. 322.)
Governor authorized to appoint surveyors in case there should be more districts than are contemplated in this act. May fill vacancies.

SECT. 18. *And be it further enacted by the authority aforesaid,* That this act is in full conformity with the before recited act, except as herein before excepted, any law, usage or custom to the contrary notwithstanding.

This act declared to be in conformity with the recited act.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

LIGHT-HOUSE.

1819.

(No. 323.)

AN ACT

To cede jurisdiction over five acres of land on Wolf Island, or part thereof across the creek at the west end of said Island, for the purpose of erecting a Light-House, or Beacons.

Jurisdiction
over a part of
Wolf Island
ceded to the
U. States for
the purpose
of erecting a
light-house,
&c.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the jurisdiction to and over five acres of land on Wolf Island, in the county of M^cIntosh, for the purpose of erecting a light-house or beacons, be, and the jurisdiction thereof is hereby ceded to the United States of America: *Provided*, the United States has or shall erect a light-house or beacons on the same.

Further privi-
lege granted.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the United States of America may take a part of the said five acres of land across the creek at the west end of Wolf Island, in the same manner and on the same terms prescribed above for Wolf Island.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

LUMBER AND STAVES.

AN ACT

1816.
(No. 324.)

To amend an act to regulate the admeasurement and inspection of Lumber, Staves, Shingles, and for other purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, sawed scantling and boards, pipe, hogshead and barrel staves, shall be considered merchantable only when made, formed, shaped and conditioned in the manner following, to wit: All sawed scantling shall have three square edges, sound and without decay; pipe staves to be at least fifty-four inches in length, three inches in breadth, and one inch thick on the thin edge; hogshead staves to be forty-two inches long, three inches broad, and not less than three quarters of an inch on the edge, sound and free from worm or knot holes; barrel staves to be two and a half feet long, three inches wide, and not less than three quarters of an inch on their edge, sound and free from worm or knot holes.

Sawed scantling, boards, pipe, hogshead and barrel staves, when considered merchantable.

SECT. 2. *And be it further enacted,* That all laws or parts of laws heretofore passed, militating against this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

MILITIA.

1811.

(No. 325.)

AN ACT*

More effectually to provide for the organization and equipment of the Cavalry of this state.

Preamble. WHEREAS, the organization, arming and equipping of a good and efficient cavalry, are objects of the first necessity :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Assembly met,* That the several troops of cavalry throughout the state shall be organized, as heretofore, into squadrons, regiments, and one brigade ; and shall be in that proportion to the infantry which is pointed out by the militia laws of the United States.

A squadron shall be commanded by a major ; a regiment, by a lieutenant-colonel.

SECT. 2. *And be it further enacted,* That a squadron shall consist of not less than three, nor more than five troops, and shall be commanded by a major ; a regiment, of not less than two, nor more than three squadrons, and shall be commanded by a lieutenant colonel ; and it shall be so ordered, that to each regiment, brigade, and division of the infantry, there shall be one troop, squadron, and regiment of cavalry, forming in the whole, throughout the state, one brigade ; and shall be commanded by a brigadier general.

Officers, how elected, &c.

SECT. 3. *And be it further enacted,* That when vacancies may hereafter happen, the brigadier general, as heretofore, shall be elected by the legislature ; the lieutenant colo-

* See act of 1818, No. 341, by the 33d section of which, all laws or parts of laws, organizing a brigade, regiment, or squadron of cavalry, are repealed, and which enacts that only one troop of horse shall be attached to a regiment of infantry.

nels and majors, by the commissioned and brevetted officers of regiments and squadrons (No. 325.) respectively ; and the captains and subalterns by the members of the respective troops ; the elections being conducted in the same manner, and under the same restrictions, as are pointed out by law for the officers of the same grade in the infantry ; fifty days notice being the notice to be given, of the time and place of holding an election for a lieutenant colonel, forty for a major, and twenty for captains and subalterns ; and that the officers of each squadron shall assemble separately, at the usual place of holding their squadron parades, for the election of their field officers.

Notices of elections.

SECT. 4. *And be it further enacted*, That the brigadier general and lieutenant colonel have the appointing their own staff, in conformity to the militia law of the United States ; and that the brigade major shall be commissioned by the commander in chief.

Brigadier general and lieutenant colonel, shall appoint their staff.

Brigade major, how commissioned.

SECT. 5. *And be it further enacted*, That each captain shall parade and exercise his troop at least four times in every year ; and that each squadron shall be called out once in every year, to some fit and convenient place, for the purpose of being trained and exercised, for a period not exceeding three days, by their brigade major, their lieutenant colonel, their brigadier general, or the adjutant general of the state, as may be ordered.

Musters regulated.

SECT. 6. *And be it further enacted*, That all orders for any muster or rendezvous shall be given on the parade verbally, or elsewhere in writing ; and that lieutenant colonels shall have fifty, majors forty, captains and subalterns twenty, and non-commissioned officers and troopers, ten days notice.

Orders for muster, &c. how given.

SECT. 7. *And be it further enacted*, That the said companies shall have the power of making bye-laws ; and the power of imposing, collecting and applying the fines arising from non-attendance at troop, squadron, or regimental parades, shall be enjoyed by the officers of each troop, squadron and regiment respectively, either in the capacity of troop, squadron or regimental courts of enquiry ; and in such way and manner as may be deemed the best calculated to promote the great objects of order, uniformity, discipline and organization : *Provided*, the fines so imposed shall not exceed the fines imposed on the infantry in like cases ; and nothing therein contained shall be in violation of, or repugnant to the spirit and meaning of the militia laws.

Companies may make bye-laws.

Officers of each troop, &c. vested with a power of fining.

Proviso.

SECT. 8. *And be it further enacted*, That whenever the cavalry shall be associated with other corps, for the purpose of duty or exercise, it shall be by order from the commander in chief, and the officers present of the highest grade and oldest commission shall command.

Who shall command, when the cavalry shall be associated with other corps.

(No. 325.) *SECT. 9. And be it further enacted,* That in case the officers of any regiment or squadron, or non-commissioned officers and troopers of any troop, shall refuse or neglect to elect a lieutenant colonel, major, captain, and subaltern or subalterns, some fit and proper person shall be nominated by the brigadier general, if for a lieutenant colonel; by the lieutenant colonel, if for a major; by the major, if for a captain or subaltern, to the commander in chief, who shall grant a commission to said person, as if he had been duly elected.

Cavalry officers, how arrested, tried, &c. *SECT. 10. And be it further enacted,* That cavalry officers shall be arrested, tried, fined or cashiered, in the same manner, and under the same rules and restrictions, as the militia laws have provided for officers of similar grade in the infantry; and that calls for officers of different corps, to sit on the said courts martial, shall be reciprocally made, as the case may warrant, by officers of the cavalry and infantry.

Swords and pistols to be purchased for the cavalry. *SECT. 11. And be it further enacted,* That there shall be purchased for the use of the cavalry, one thousand swords with sabre blades, and seven hundred and fifty pair of pistols;* and that the same shall be paid for out of any money which is, or hereafter may be, in the treasury; and that the commander in chief shall pursue such measures for procuring the said arms as he may deem proper, and deposit the same in the arsenal of this state, or some other fit and proper place, subject to the future order of the legislature, or, in cases of emergency, the Governor for the time being.

Cavalry, when subject to the command of the lieutenant colonels and brigadier generals of the infantry. *SECT. 12. And be it further enacted,* That the troops of cavalry shall nevertheless be subject to the command of the lieutenant colonels and brigadier generals of the infantry, (so far as to attend the general review,) to perform the usual routine of patrol duty, and subject to their call, in case of rebellion, insurrection, or any sudden emergency, when they are not under orders from the field officers of the cavalry, for the like purposes.

Rules and regulations relative to dress, &c. *SECT. 13. And be it further enacted,* That the rules and regulations relative to dress, arms, horses, and furniture, heretofore published by the brigadier general, and which may hereafter be published by him in obedience to the militia laws, shall be deemed obligatory: *Provided,* nothing therein contained shall prevent any member of the troop of cavalry of this state, or who may join the same, from substituting deep blue homespun cloth in lieu of broad cloth or cassimere, in the formation of their uniform.

* So much of this section as relates to the purchase of pistols was repealed by act of 1812, No. 329.

SECT. 14. *And be it further enacted,* That all laws militating against this law be, and (No. 325.)
the same are hereby repealed.

Repealing
clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 326.)

To authorize his excellency the Governor forthwith to contract with fit and proper persons to make a certain number of Rifle Guns, with the apparatus thereunto belonging, for the use of the Militia of this state.

WHEREAS, the time has arrived when it is highly necessary that the citizens of this state should have arms placed in their hands to defend their rights and liberties: Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act his excellency the Governor be, and he is hereby authorized and required to contract with fit and proper persons, on such terms as he shall deem advisable, to make five hundred rifle guns, three feet four inches long in the barrel, counter-bored and good substance, well stocked with strong wood, and mounted with iron, and well polished, of the size to carry fifty balls to the pound, with moulds and wipers for each gun, and have the same deposited in the public arsenal of this state, subject to be drawn for under the direction of the commander in chief for the militia, and pay for the same out of any money that now is, or that may hereafter come into the treasury of this state, not otherwise appropriated.

The Governor
authorized to
contract for
500 rifle guns.

SECT. 2. *And be it further enacted,* That his excellency the Governor be, and he is hereby authorized and required to purchase ten thousand pounds of gun-powder, and twenty-five thousand pounds of lead, and fifty thousand rifle and musket flints, and de-

And to pur-
chase 10,000
lbs. of powder,
and 25,000 lbs.
of lead.

(No. 326.) posit the same in the public arsenal of this state, or at such other place or places within this state as, in his opinion, the public safety may require.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 327.)

AN ACT

To add the county of Madison to the second brigade of the fourth division of the Militia of this state.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the county of Madison shall be added to, and form a part of the second brigade of the fourth division of the militia of this state.

Madison county attached to the 2d brigade of the 4th division of the militia.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 328.)

To form a new division out of the counties of Randolph, Jones, Twiggs, Pulaski, Telfair, Laurens and Wilkinson.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted,* That the counties of Randolph, Jones, Twiggs, Pulaski, Telfair, Laurens and Wilkinson be, and the same are hereby formed into a new division, to be known by the fifth division of Georgia militia. A fifth division of militia created.

SECT. 2. *And be it further enacted,* That the counties of Randolph and Jones shall form the first brigade of the fifth division, and the counties of Twiggs, Pulaski, Telfair, Laurens and Wilkinson, shall form the second brigade of the fifth division of the Georgia militia. The 1st and 2d brigades of said division defined.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 329.)

To amend an act, entitled An act more effectually to provide for the organization and equipment of the Cavalry of this state, passed the 16th December, 1811, and for authorizing the Governor to distribute the public arms.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted,* That so much of the before recited act as requires his excellency the Governor to purchase seven hundred and fifty pair of pistols be, and the same is hereby repealed. So much of the recited act as requires the Governor to purchase 750 pair of pistols, repealed.

SECT. 2. *And be it further enacted,* That his excellency the Governor be, and he is hereby authorized to purchase any number of pistols and holsters that he may think The Governor authorized to purchase not

(No. 329.) proper and necessary, for the use of the cavalry of this state, not exceeding seven hundred pair of pistols and holsters.

May contract for an additional number of swords.

SECT. 3. *And be it further enacted*, That the Governor be, and he is hereby authorized to contract with fit and proper persons for an additional number of swords, not exceeding five hundred, as he may think proper.

Distribution of the public arms.

SECT. 4. *And be it further enacted*, That his excellency the Governor be, and he is hereby authorized to make such distribution of the public arms, accoutrements and munitions of war, as he may deem necessary for the protection of the frontier, or the good of this state generally.

The cavalry of the 5th division of the militia attached to the respective regiments of cavalry, as heretofore defined.

SECT. 5. *And be it further enacted*, *That the cavalry now organized, or which may hereafter be organized, in the fifth division of the militia of this state, shall be retained in and attached to the respective regiments of cavalry as heretofore defined; any law to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See act of 1818, No. 341, 33d section.

AN ACT*

(No. 330.)

To organize the detachments of men which now are, or hereafter may be, required by the President of the United States from the executive of this state, for the service of the Union, and to organize Volunteer Companies.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That whenever any detachment of militia may be required of this state by the proper authority, for the service of the United States, it shall be the duty of the adjutant general to apportion the numbers required from the several divisions and brigades, and form the same into regiments and battalions, and to give orders to the respective brigade inspectors, whose duty it shall be to apportion the requisition required of the several regiments, battalions and companies within the brigade to which such brigade inspector may belong, and out of each regiment, battalion or company to raise, by draft or otherwise, the proportion required from each regiment, battalion or company.

Requisition of militia by the U. States, how apportioned, &c.

SECT. 2. *And be it further enacted,* That it shall be the duty of the several colonels out of whose regiment any such company shall or may be formed, for the use of the United States, those now actually engaged in the service of the United States together with those who have already made choice of their officers excepted, to proceed without delay to advertise elections for captains, lieutenants and ensigns, to command said companies, which election shall be held as near the centre of each company as convenience will permit, and shall be held and conducted in the same manner, and subject to the same regulations as to votes, &c. as govern the elections for militia officers of the same grade in this state, and the return thereof shall be transferred to his excellency the Governor without delay; and it shall be the duty of his excellency the Governor, within ten days after the return thereof, to open and compare the returns, and issue special commissions to the persons so elected; and the officers so commissioned shall continue in office until discharged from the service of the United States, or until their office shall be vacated by death, resignation or other disqualification.

Elections for captains, &c. of companies raised for the U. States, regulated.

Governor shall commission them.

SECT. 3. *And be it further enacted,* That it shall be the duty of his excellency the Governor, on receiving the returns of elections heretofore had, or which may hereafter be had, for captains, lieutenants and ensigns, to command the present detachment given

Captains, &c. of the present regiment, how commissioned

* See act of 1818, No. 341, which revises and consolidates the militia laws, and repeals all others on the subject.

(No. 330.) up for the service of the union, to commission them agreeable to the requisitions of this act.

An election for a colonel and two majors for each regiment regulated.

SECT. 4. *And be it further enacted*, That it shall be the duty of the brigadier generals respectively, so soon as the captains and subalterns as aforesaid shall have received their commissions, to order an election for a colonel and two majors for each regiment, which election shall be held at each regimental muster ground, by giving at least twenty days notice thereof in his general orders; at which election all persons shall be entitled to vote who will be subject to the command of such officer or officers, when so elected; and it shall be the duty of his excellency the Governor, on receiving the returns of any of the said elections, to issue commissions as above pointed out; and such election shall be conducted and superintended as elections heretofore held under the militia laws of this state.

Organization of volunteer companies.

SECT. 5. *And be it further enacted*, That any volunteer companies in this state, which are at present raised, or may be raised, shall be organized and commanded by the officers already chosen, or which may hereafter be chosen by them, who shall be entitled to receive their respective commissions from the commander in chief; and the said companies shall be received into the service of the state or of the United States, as exigencies may require, when called on by the proper authority, and continue and exist as organized volunteer corps, for the term of time designated by their articles of association, or for which they may respectively volunteer, subject to the same regulations as other detachments and companies of militia of the state, when called into service; and at the end of said term they shall be dissolved and returned to the militia of the line:

Proviso.

Provided, the number of said volunteer companies shall not exceed one hundred men each, exclusive of commissioned and non-commissioned officers.

Official eligibility.

SECT. 6. *And be it further enacted*, That all persons included in any detachment of the militia called for by the United States, shall be eligible to any of the offices or appointments.

Repealing clause.

SECT. 7. *And be it further enacted*, That all militia laws heretofore passed, militating against this act, be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 331.)

To authorize the mustering of a portion of the Militia of Camden county at the town of St. Mary's, in said county.

WHEREAS, the court-house in Camden county is situated more than twenty-two miles from the town of St. Mary's, known to be the most populous part of said county, and past experience hath evinced that very few of the militia of said district have heretofore attended the general musters in said county at the court-house : And whereas, it would be impolitic, at this momentous crisis, for the active force of the militia to leave the said town unprotected ; and it is desirable that every citizen, capable of bearing arms, should be allowed an opportunity to gain instruction in military discipline :

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the militia of the town of St. Mary's, as well as all those who reside south of Crooked river, now commanded by captain Thomas H. Miller, shall not be required nor compelled to attend any musters beyond the limits of the town of St. Mary's, (the company musters of captain Thomas H. Miller's men only excepted.) But the militia of said town, and those under the command of Thomas H. Miller, liable to perform militia duty, shall be bound to obey the orders of the adjutant general, or the major general of the division, to muster within the limits of said town, at such times as either of the said officers may direct ; when defaulters will be subject to such fines and penalties as by the militia law of this state are imposed in similar cases.

The militia of St. Mary's, and that south of Crooked river authorized to muster at said town.

Exception.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all laws or parts of laws, that can be construed to militate against this act, shall be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

* Repealed by act of 1816, No. 338.

(No. 332.)

AN ACT*

To amend the Militia Laws of this state.

Preamble.

WHEREAS, by the militia laws of this state, it is made the duty of the respective regimental courts, to proceed to lay off any new regimental battalion or company district, or to make alteration in any that has been heretofore laid off, and, when so laid off or altered, to be designated by certain lines and bounds, and recorded by the clerk of the regimental court of inquiry : And whereas, there is no provision made by law to regulate the proceedings of battalion courts of inquiry, where such battalions are not included within the lines and bounds of any regiment heretofore laid off and designated, and which lines and bounds have been recorded by the clerk of the regimental court of inquiry, or in counties containing but one battalion, and not attached to any regiment : for remedy whereof,

Battalion
courts of in-
quiry autho-
rized in cer-
tain cases.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in any battalion in this state, not included within the bounds of any regimental district heretofore laid out, and recorded by the clerk of the regimental court of inquiry, or in counties containing but one battalion which is not attached to any regiment, any such battalion shall have power and authority to hold battalion courts of inquiry, and shall have and exercise the same powers as are allowed by law to regimental courts of inquiry, and shall be entitled to a clerk, to be styled the clerk of the battalion court of inquiry, and may proceed to record the lines and bounds of their respective company districts, and shall have power to create any new company district, or make alteration in any such as have heretofore been laid off, under the same rules and restrictions as are prescribed by law to regimental courts of inquiry.

Appeals from
any company
court of in-
quiry autho-
rized and re-
gulated.

SECT. 2. *And be it further enacted,* That when any defaulting officer or soldier shall have been fined for default of duty by any company court of inquiry, an appeal may be had to the next battalion court of inquiry that may be held in the battalion to which such delinquent officer or soldier may belong, and the decision of such battalion court of inquiry shall be final and conclusive ; and before such appeal shall be granted, the delinquent shall first make oath in writing, before the presiding officer of the court under which such delinquent was fined, setting forth the excuse of such delinquent ; and

* See act of 1818, No. 341, repealing all previous acts on the subject.

the officer before whom such affidavit shall be made, shall lay the same before the next (No. 332.) battalion court of inquiry as aforesaid.

SECT. 3. *And be it further enacted,* That any lieutenant colonel or commanding officer of a regiment, or major or commanding officer of a battalion not attached to any regiment, shall be authorized to assemble the officers of his regiment or battalion at least one, and not exceeding two days, at any one time, to hold drill musters, and that the officers shall be liable to be fined as prescribed by law for delinquents in like cases.

Officers of a regiment and of a battalion not attached to a regiment, how mustered.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons shall in future be drafted or volunteer in this state, and such drafted or volunteer person or persons shall employ a substitute, who shall be accepted by the commanding officer of such drafted or volunteer corps, the person or persons employing such substitute shall forthwith return into the line of the militia of this state, and in cases of emergency shall be subject to all the duties to which said substitute would have been liable during the period for which such substitute was employed, or during the period he may be in service.

Persons employing substitutes shall return to the line of the militia, &c.

SECT. 5. *And be it further enacted,* That when the adjutant general shall neglect to order a convention of officers within any regiment, agreeable to the fifteenth section of the militia law passed the tenth day of December, eighteen hundred and seven, that it shall be the duty of the lieutenant colonels commanding any such regiment, to order a convention of the field, staff, company and non-commissioned officers, under such rules and regulations as are prescribed by the aforesaid section; and within regiments, composed of two or more counties, it shall be the duty of the lieutenant colonel commanding such regiment, to order one muster in each year by battalion.

Convention of officers regulated.

Battalion muster.

SECT. 6. *And be it further enacted,* That it shall not be lawful for any captain or commanding officer of a company in this state to enrol any free negro or mulatto, or suffer them to stand in ranks, whereby they may be instructed in military tactics or arts of warfare; such captain or commanding officer, so offending as aforesaid, shall forfeit and pay for every such offence a sum not exceeding twenty dollars, to be recovered before a regimental court of inquiry, and moreover be subject to be cashiered by a court marshal.

No negro or mulatto suffered to stand in ranks.

Penalty for suffering such offence.

SECT. 7. *And be it further enacted,* That the money collected by virtue of fines imposed upon defaulters at company musters, be retained by the commanding officers of

Fines upon defaulters at company musters.

(No. 332.) companies, to be by them appropriated to the use of the company, in purchasing drums, fifes, and repairing the same, and for payment and encouragement of musicians.

Staff officers, who may be appointed as such.

SECT. 8. *And be it further enacted*, That no regimental, brigade or division officer, shall appoint any person to a staff office who does not reside within the division, brigade or regimental district.

Duty of staff officers.

SECT. 9. *And be it further enacted*, That all regimental, brigade or division staff officers shall be bound to attend all musters or reviews of regiments, brigades or divisions, and shall, in case of neglect, be liable to be fined or cashiered by a court marshal.

Uniform.

SECT. 10. *And be it further enacted*, That all officers in this state shall be permitted to uniform in blue homespun; any law, usage or custom to the contrary notwithstanding.

Repealing clause.

SECT. 11. *And be it further enacted*, That all acts militating with this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 333.)

To organize the detachments of men which may hereafter be required by the President of the United States, from the Executive of this state, for the service of the Union, and for other purposes therein expressed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the twenty-fifth day of December, instant, that when any detachment of militia may be required of this state by the proper authority, for the service of the United States, or for the service of this state, it shall be the duty of the adjutant general of this state to apportion the numbers required from the several divisions and brigades, and to give orders to the respective brigade inspectors, whose duty it shall be to apportion the requisition required of the several regiments, battalions and companies within the brigade to which such brigade inspector may belong; and out of each regiment, battalion or company to raise, by draft or otherwise, the proportion required from each regiment, battalion or company.

Requisitions of militia for public service, how apportioned, &c.

SECT. 2. *And be it further enacted,* That it shall be the duty of the general officer or officers commanding any detachment or detachments of militia of this state, which may hereafter be called out in the service of the United States or of this state, either at the place of rendezvous or at his encampment, immediately to proceed to hold an election for regimental, battalion, or company officers, as the case may require.

Elections for regimental, battalion and company officers.

SECT. 3. *And be it further enacted,* That all persons shall be entitled to vote at such elections, who will be subject to the command of such officer or officers, when so elected; and it shall be the duty of the general or commanding officer, with two or more commanding officers of the same said detachment, not being candidates themselves, to preside at and superintend such elections; and the person or persons (as the case may be) having the highest number of votes, shall be considered duly elected for the term of time for which the said detachment was called into service, unless such officer should be cashiered or otherwise suspended from office, according to the laws and regulations now in force for the government and regulation of such detachments: *Provided also,*

Voters.

Who shall preside at said elections.

Proviso.

* This act was amended by act of 1814, No. 336. But see act of 1818, No. 341, which repeals all other acts regulating the militia of the state.

(No. 333.) that it shall be the duty of such presiding officers, or a majority of them, forthwith after such election, to certify the person having the highest number of votes to the commanding officer of the detachment, whose duty it shall be to brevet such officer for the term of time aforesaid; and all such officers shall be obeyed in the same manner as if they, or either of them, had been elected and commissioned according to the militia law in force in this state.

Duty of lieutenant colonels of regiments, or majors in counties containing but one battalion, when any company, &c. is required for public service.

Election for officers.

Who shall preside thereat, &c.

Proviso.

Volunteer companies may be raised for public service, &c.

SECT. 4. *And be it further enacted*, That it shall be the duty of the several lieutenant colonels of regiments, or majors in counties containing but one battalion, whenever they, or either of them, may be required to furnish any company or detachment of militia for the use of the United States, or for the use of this state, to convene the said company or detachment so required as aforesaid, at some fit and convenient place, and then and there forthwith proceed to an election for officers to command said company or detachment; and all persons shall be entitled to vote at such elections who will be subject to the command of such officers when so elected: and it shall be the duty of two or more commissioned officers, themselves not being candidates, to preside at and superintend such elections; and the person or persons (as the case may be) having the highest number of votes shall be considered as duly elected for the term of time for which the said detachment or detachments were called into service, unless such officer should be cashiered or otherwise suspended from office, according to the laws and regulations now in force for the government and regulation of such detachment: *Provided also*, that it shall be the duty of such presiding officers, or a majority of them, forthwith after such election, to certify the person having the highest number of votes to the commanding officer of the detachment, whose duty it shall be to brevet such officer or officers for the term of time aforesaid; and all such officers shall be obeyed in the same manner as if they, or either of them, had been elected and commissioned according to the militia law now in force in this state.

SECT. 5. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent any person from raising volunteer companies, for the use of the United States or this state, when called for as aforesaid, who shall be brevetted by the officer commanding for the term of time aforesaid; and it shall be the duty of all the volunteers under such officer to obey him in the same manner as if he had been elected according to the regulations of the before recited act; and the lieutenants and ensigns of all such companies so formed, shall be elected and brevetted in the same manner, and under the same restrictions, as expressed in the before recited act.

SECT. 6. *And be it further enacted,* *That in any militia division in this state, where (No. 333.) there are a sufficient number of cavalry to form a squadron, and not a sufficient number Cavalry regulation. to form a regiment, and where there has been no colonel elected to command the same, the same shall be commanded by a major; and it shall be the duty of the major general commanding such division to order an election accordingly, giving at least forty days notice of the time and place of holding such election, by advertisement at two or more of the most public places within such division, and that the cavalry in the fifth division shall be considered attached to the said division.

SECT. 7. *And be it further enacted,* That all laws or parts of laws heretofore passed in this state, militating against this act, shall be, and the same are hereby repealed. Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 334.)

To create the office of Paymaster General for this state, and point out the mode of his election.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* Office of paymaster general created. That the office of paymaster general for this state be, and the same is hereby created.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said paymaster general shall be elected by joint ballot of both branches of the General Assembly of this state; and in case of vacancies happening in the said office, by death, resignation, or Vacancies.

* See act of 1818, No. 341, repealing the cavalry laws.

(No. 334.) otherwise, that the said office shall be filled in the same manner as has hitherto been the practice in respect to the quartermaster general thereof.

His rank.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said paymaster general have the rank of lieutenant colonel, and receive pay while in service, as the general government have or may determine by law.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 16th November, 1814.

PETER EARLY, GOVERNOR.

(No. 335.)

AN ACT*

To create the office of Division Inspector, Division Quartermaster, Brigade Quartermaster, and Aid de Camp to Brigadier Generals, agreeably to an act of Congress, passed 18th April, 1814.

Offices of division inspector, division quartermaster and brigade quartermaster created.

One aid de camp to each brigadier general.

Said officers, how appointed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be to each division one division inspector, with the rank of lieutenant colonel; and one division quartermaster, with the rank of major; one brigade quartermaster, with the rank of captain; and to each brigadier general, one aid de camp, with the rank of captain.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the division inspectors and division quartermasters shall be appointed by the major generals, and the brigade aid de camp and quartermaster shall be appointed by the brigadier generals.

* See act of 1818, No. 341, revising and consolidating the militia laws.

SECT. 3. *And be it further enacted by the authority aforesaid, That all laws and (No. 335.)*
 parts of laws militating against this law shall be, and the same are hereby repealed. Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 336.)

To alter and amend an act, entitled "An act to organize the detachments of men which may hereafter be required by the President of the United States from the Executive of this state, for the service of the Union, and for other purposes therein expressed," passed on the 6th day of December, 1813.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the better organizing the detachments of militia, which may hereafter be called into service, it shall and may be lawful for his excellency the Governor to issue orders to the respective major generals, from whose divisions detachments of militia may be called, directing him to order elections for field and company officers; and whose duty it shall be to issue orders accordingly, and to appoint the officers to advertise, hold and preside at such elections; and it shall be the duty of the officers thus appointed to advertise said elections ten days previously to holding the same; and all persons shall be entitled to vote at such election, who will be subject to the command of such officers when elected; and that in case such detachment should be marched to the place of rendezvous or encampment, previous to the election of any regimental, battalion, or company officers, it shall be the duty of the general or commanding officer of such detachment to order an election for field and company officers, or other vacancy, as the case may require; and it shall be the duty of the presiding officers, or a majority of them, forthwith after such election, to certify the person or persons having the highest

Elections for officers of the detachments of militia, which may hereafter be called into service, regulated.

* See act of 1818, No. 341, which repeals all other acts regulating the militia.

(No. 336.) number of votes, and make a return thereof to the Governor, who shall thereupon issue special commissions to the officers elected; and it shall and may be lawful for the commanding officer of the detachment to issue brevets to the officers elected, until their commissions are received.

Vacancies of any field or company officers of detachments in service, how filled.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case of the death, resignation, or other vacancy of any field or company officers of detachments in service, such vacancy shall be immediately filled, by appointment to be made by the commissioned officers belonging to such detachments; and it shall be the duty of the commanding officer of said detachment, within ten days thereafter, to transmit a return thereof to his excellency the Governor, who shall thereupon issue commissions to the person or persons so appointed; and it shall and may be lawful for the commanding officer to brevet the officer or officers appointed, till his or their commissions are received; and during the time that intervenes between such vacancy and the issuing brevets the officer next in rank shall be the officer commanding; and in case of the death, resignation, or removal of any non-commissioned officer belonging to such detachment, the captain of the company to which such non-commissioned officer was attached shall forthwith proceed to fill such vacancy.

Vacancy of non-commissioned officers.

Officers of regiments called into service, enumerated.

SECT. 3. *And be it further enacted by the authority aforesaid,* That there shall be attached to each regiment called into service, one colonel, one lieutenant colonel, two majors, one adjutant, one quartermaster, one paymaster, one chaplain, one surgeon, two surgeon mates, one sergeant major, one quartermaster sergeant, and two principal musicians; and to each company there shall be attached one captain, one first lieutenant, one second lieutenant, one third lieutenant, one ensign, five sergeants, four corporals, two musicians, and ninety privates.

Operation of this act limited.

SECT. 4. *And be it further enacted by the authority aforesaid,* That nothing contained in this act shall operate, in the smallest manner, upon detachments heretofore called into service.

Consolidation of the volunteer infantry and rifle companies authorized.
Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That his excellency the Governor shall be, and he is hereby authorized, to consolidate the volunteer infantry and rifle companies of this state, in such manner as he may deem advisable and expedient for the public welfare: *Provided,* they should not be full previous to their call to take the field; and to select either of the captains of said companies, thus consolidated, to command such consolidated company, when called into service; and the other commissioned officers of said company shall be appointed by the field officers and captain of said company, out of the officers attached to either or any of the companies composing

the said consolidated company; and the non-commissioned officers shall be appointed (No. 336.) by the captain.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be lawful, and his excellency the Governor is hereby authorized to call into the service of the United States or of this state, any portion of cavalry, to act either as light dragoons or as mounted infantry; and he may consolidate incomplete troops: *Provided,* such consolidation be made of troops belonging to the same squadron; and the captains of such consolidated troops shall be selected by the major commanding the squadron in which such consolidation may take place, together with the colonel to whose regiment such squadron is attached, and the brigade major of the cavalry, or a majority of them, out of the captains of the troops so consolidated; the other commissioned officers shall be selected from the officers of said consolidated troops, by the major aforesaid, the brigade major of cavalry, and the captain selected as aforesaid; the non-commissioned officers to be appointed by the commissioned officers: *Provided nevertheless,* that nothing herein contained shall prevent incomplete troops from forming voluntary consolidations as aforesaid; and his excellency the Governor shall, in all cases, recognise such voluntary consolidated associations, and give preference to them for the service aforesaid.

Governor authorized to call out any portion of the cavalry, &c. Proviso.

Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid,* That when any detachment or detachments of militia or volunteer companies shall be hereafter called into service, the men belonging to the class ordered out shall appear at the place of rendezvous at the time appointed, or offer a suitable substitute, to be received at the discretion of the captain commanding said company; and on failure thereof, the commanding officer of said company shall be, and he is hereby invested with full and ample power to coerce the attendance of any defaulter.

Rendezvous.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all persons subject to militia duty, who shall remove from the district wherein they were classed, to report themselves, within ten days after such removal, to the commanding officer of the district to which they may so remove, and produce a certificate, from under the hand of the captain of the district from which they have so removed, specifying the class to which they belong, and on failure thereof, he or they shall be attached to the class that will next thereafter be called into service.

Duty of persons removing from the district in which they were classed to another district.

SECT. 9. *And be it further enacted,* That the respective lieutenant colonels, or commanding officers of regiments, are hereby authorized and required to convene, as soon as may be after the passage of this act, the commissioned officers of their respective regiments, or so many thereof as will make a number not less than thirteen, at their respective regimental muster grounds, giving at least ten days notice of such convention, by

Commanding officers of regiments required to convene the commissioned officers thereof, for the pur-

(No. 336.) advertisement in each captain's district, in such regimental district, setting forth the pose of hearing and determining on applications for exemption from militia duty. day and place where such convention shall be held, and the purpose for which they are convened, which shall be for hearing and determining on all applications for exemptions from militia service; and that from and immediately after the passage of this act the captains of the different militia districts be, and they are hereby directed to enrol for duty all persons within their respective districts, supposed to be over the age of eighteen, and under the age of forty-five years. Captains shall enrol all persons in their districts supposed to be over 18, or under 45 years of age.

A similar convention required in counties containing but one battalion, not attached to a regiment. SECT. 10. *And be it further enacted by the authority aforesaid,* That in counties containing but one battalion, and not attached to any regiment, the major or commanding officer of such battalion shall proceed to convene the officers, at their battalion muster grounds, for the same purposes, and under like restrictions and regulations as prescribed by this act for the convention of officers in the respective regiments.

In case a person classed should be promoted to the rank of a commissioned officer, he shall be exempt from duty in the ranks, unless he should resign or be cashiered. SECT. 11. *And be it further enacted,* That where any person who has been, or hereafter may be classed, shall thereafter be promoted to the rank of a commissioned officer, such person shall not then be liable to perform the duty required of him in the ranks, during the time he shall continue in commission; but in case he should resign or be cashiered, such person shall return into the ranks and class to which he formerly belonged.

Students of the University to be classed. SECT. 12. *And be it further enacted,* That the students at the university, subject to military duty, shall be classed as other persons liable to militia service, except that such students may be divided in three classes, in such manner as the major commanding the battalion in which they reside shall direct; and they shall be enrolled in the first, second and third classes, in such manner as may be most conducive to the interest of the said institution; or that each class be at liberty to draw for their classes, and be enrolled accordingly.

Regimental surgeons required to attend regimental courts martial. SECT. 13. *And be it further enacted,* That the surgeons of the different regiments be, and they are hereby required to attend each session of their respective regimental courts martial.

Second and third classes of militia to be officered. SECT. 14. *And be it further enacted,* That his excellency the Governor be, and he is hereby required to cause the second and third classes of the militia in this state to be officered as soon as convenient, agreeably to the provisions of this act.

SECT. 15. *And be it further enacted by the authority aforesaid, That all laws and parts* (No. 336.)
of laws militating against this law be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 337.)

To authorize the Adjutant General of this state to appoint an Assistant, to perform the duties of his office during his absence, at any time, from this state.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the adjutant Adjutant ge-
general of this state shall be, and he is hereby authorized to appoint an assistant to per- neral author-
form the duties of his office during his absence, at any time, from this state: *Provided,* ized to appoint
he shall obtain a furlough from the executive, expressing the time of his absence from an assistant.
the state, and the executive approval of his assistant so appointed: *Provided also,* that Proviso.
the said adjutant general shall pay the assistant so appointed out of the salary allowed him by law.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 338.)

AN ACT

To repeal an Act to authorize a part of the Camden Battalion to muster in the town of St. Mary's.

The recited
act repealed.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted, That a law, passed on the 2d day of December, 1813, authorizing a part of Camden county militia to muster in the town of St. Mary's, be, and the same is hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 339.)

AN ACT*

For altering the Uniform of the militia officers of the state of Georgia.

Uniform of
the militia
officers pre-
scribed.

Repealing
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the uniform of the militia officers of this state shall be similar to that which is worn by the officers of the army of the United States, and that all officers, excepting those belonging to the general staff, be permitted to wear round hats: all laws militating against the same be hereby repealed.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

* See act of 1818, No. 341, 14th section.

AN ACT

(No. 340.)

To authorize the Darien Volunteer Guards to muster in their city on all days appointed for battalion or other musters, except those of general inspection, when they shall appear at the general muster ground of M^cIntosh county.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Darien Volunteer Guards, their place of muster.
from and after the passage of this act, the Darien Volunteer Guards may be, by the commanding officer of the battalion, permitted to muster in the city of Darien, on all days appointed for battalion or other musters, except those of general inspection, when said Darien Volunteer Guards shall appear at the general muster ground of M^cIntosh county.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT*

(No. 341.)

To revise and consolidate the militia laws of this state, and to repeal the cavalry laws now in force.

BE it enacted by the Senate and House of Representatives, in General Assembly met, That the militia of this state shall be laid off and apportioned into divisions, brigades, regiments, battalions and companies: that each division shall be commanded by a major general, whose staff shall consist of one division inspector, with the rank of lieutenant colonel; one quartermaster and two aids, with the rank of major each: that each brigade shall be commanded by a brigadier general, whose staff shall consist of a brigade inspector, with the rank of major; a brigade quartermaster, and an aid de camp, with the general. His staff enumerated. Each brigade by a brigadier general. Of whom his staff shall consist.
 The militia of this state divided into divisions, brigades, regiments, battalions and companies. Each division commanded by a major shall consist.

* See act of 1819, No. 342, amendatory of this act.

(No. 341.) rank of captain : that each regiment shall be commanded by a colonel, whose staff shall consist of a quartermaster, a paymaster and adjutant, with the rank of lieutenant, and one surgeon and mate ; and shall also have attached to it a lieutenant colonel and major, a sergeant major, a quartermaster sergeant, and a drum and fife major : that each company shall consist of one captain, a first and second lieutenant and ensign, four sergeants and four corporals, a drummer and fifer, and sixty-four privates.

Each regiment commanded by a colonel.

His staff.

A company.

The creation or alteration of any division or brigade district to be by the legislature, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when it shall be found necessary to create any new division or brigade district, or make alterations in any of those already laid off and defined, such new definitions or alterations shall be made by the legislature, and a record made of the same in the adjutant general's office, as well as of the organization of the divisions and brigades heretofore created and defined.

The creation or alteration of any regimental, battalion or company districts, how performed.

SECT. 3. *And be it further enacted,* That when it shall be necessary to create any new regimental, battalion or company district, or make alterations in any such as have been heretofore laid off, the commanding officers of regiments shall assemble the commanding officers of battalions and companies at some convenient and fit place, and shall proceed to lay off or alter any such regimental, battalion or company district or districts ; which districts shall, in all cases, be designated by lines and bounds, and recorded by the clerk of the respective regimental courts of inquiry ; that in all creation or divisions of the aforesaid districts, a due regard shall be had to the number of effective men organized for each corps by the militia laws of the United States ; and that in case of the creation of any new company district, any subaltern officer or officers falling within the bounds thereof, shall hold his or their rank and grade, his or their respective commissions being made to bear the number of the said new district ; and that in case of the organization of any additional acquisition of territory, the regimental, battalion and company districts therein shall, in the first instance, be defined in such manner and by such officers of the militia as the commander in chief may order and direct.

In case of the organization of any additional acquisition of territory, the regimental, battalion and company districts therein, how defined.

What a regiment shall contain.

Regimental and battalion districts, how arranged, &c.

SECT. 4. *And be it further enacted,* That a regiment shall not contain less than two, or more than three battalions ; and that in a regiment composed of two or more counties, battalion musters and battalion courts of inquiry only shall be had ; *and that regimental and battalion districts shall be so arranged as not to embrace parts of two or

* See the first section of the act of 1819, No. 342.

more counties; and that the brigadier general and field officers shall determine the several counties which shall form a regiment. (No. 341.)

SECT. 5. *And be it further enacted,* That every division, brigade, regimental, battalion and company district, shall be numbered throughout the state, by order of the commander in chief, in such manner that every corps of the same denomination shall bear a different number; by which number every district shall be designated in the commissions of officers commanding them; and that when in the field for the purpose of exercise, officers of the same grades shall take rank agreeably to the date of their respective commissions; their respective commands following the same; regiments being tolled into regular battalions, battalions into divisions, companies, platoons and sections.

Every division, brigade, regimental, battalion and company district, to be numbered.

Rank and command of officers, how determined.

SECT. 6. *And be it further enacted,* That all vacancies which may happen by death, resignation or otherwise, of any major general, brigadier general or quartermaster general, shall be filled by the General Assembly, by joint ballot of both branches; and a list of the names of the person or persons so appointed, under the signature of the President of the Senate and Speaker of the House of Representatives, shall be transmitted to his excellency the Governor, within two days thereafter, who is hereby required to issue commissions to each and every person so appointed, within two days thereafter.

Vacancies of any major general, brigadier general, or quartermaster general, shall be filled by the legislature.

SECT. 7. *And be it further enacted,* That when any vacancy shall happen by death, resignation or otherwise, of any captain, or where any new created district shall require officers, such officers shall be elected by the citizens liable to bear arms within such company district, under the following rules and restrictions: the commanding officer of the regiment or battalion shall give at least ten days public notice of the time and place of holding such election; and the election shall be held under the presidency of two or more of the justices of the Inferior Court, in which such company may be, together with two freeholders belonging to said district, or a majority of them, who shall receive the ballots of all such citizens of the district as aforesaid, and make report thereof, under their hands and seals, within thirty days, to the commander in chief for the time being, of the persons having the highest number of votes, together with a state of the poll; and the commander in chief shall, within five days after the receipt thereof, commission the person so elected; and in the interim between the time of such election and receiving their commissions, such officers shall be fully authorized to act in all their functions, by brevet from the colonel or commandant, (or in counties containing but one battalion, from the major or commandant,) upon the officers elected producing a certificate from the persons superintending said election, that he or they had the highest number of votes at said election: *Provided,* that such election is not protested against by any person having been a candidate; and when any vacancy shall happen by

Vacancy of any captain.

Officers of any new district, how elected.

Officers may be brevetted.

Proviso.

(No. 341.)

Vacancies of
subaltern offi-
cers, how fill-
ed.

What to be
done when
privates fail to
elect officers.

Vacancy of a
commanding
officer of a
regiment or
battalion, how
filled.

Proviso.

Aids de camp,
division in-
spectors, divi-
sion quarter-
masters, bri-
gade quarter-
masters, and
the regimental

An oath to be
taken by offi-
cers.

death, resignation or otherwise, of any subaltern officer, the captain or commanding officer of the district where such vacancy or vacancies shall happen, shall give at least ten days public notice of the time and place of holding such election, and shall be held and conducted in the same manner as pointed out by this act for the election of captains; and such officers, when elected, shall be fully authorized to act in all their functions by brevet, under the same rules and restrictions as pointed out by this act for other officers. And where it shall happen in any company district that the privates neglect or refuse to elect any such officer or officers to the command, it shall be the duty of the colonel or commandant of the regiment to which they belong, (or in counties containing but one battalion, of the major commandant,) to nominate a fit and proper person or persons, as the case may require, to take command of said company district, until such election shall be had, and the person or persons elected are commissioned by the commander in chief, or brevetted as aforesaid.

SECT. 8. *And be it further enacted*, That when a vacancy shall happen by death, resignation or otherwise, of any commanding officer of a regiment or battalion, such vacancy shall be filled by the election of the persons subject to do militia duty, who will become subject to the command of such field officer when elected, under the following rules and restrictions: that is to say, any two or more captains within such regimental or battalion district, not being themselves candidates, shall give twenty days public notice, in every company district within the same, of the time and place for holding such elections; and they, with any two or more justices, who are not candidates, shall preside at the election; and the said presiding captains and justices shall, within thirty days thereafter, certify under their hands and seals the person or persons having the highest number of votes, and the state of the poll so taken shall be transmitted to the commander in chief, who shall, within ten days after said transmission, commission the person or persons so elected; and that in regimental districts the brigadier general shall appoint the time and place at which said elections shall be held: *Provided nevertheless*, that if two or more counties compose a regiment, in that case the election shall be held at the several battalion muster grounds on the same day, and the result of each election be sent to the Governor, who shall commission as aforesaid.

SECT. 9. *And be it further enacted*, That each major general, brigadier general and colonel, shall have the appointments of their own respective aids de camp, division inspectors, division quartermasters, brigade inspectors, brigade quartermasters, and the regimental staff, by whom appointed.

SECT. 10. *And be it further enacted*, That each and every officer appointed, or who may hereafter be appointed and commissioned or brevetted, not having heretofore done the same, shall, previous to entering on the duties of his office, take the following oath,

to be administered by a justice of the peace or the regimental court of inquiry of the (No. 341.) county in which such officer resides, to wit: "I, ———, do swear that I will support the constitution of the the United States, and faithfully discharge the duties ——— in the ——— of militia of the state of Georgia, to the best of my skill and judgment; so help me God." If the said oath be administered by a justice of the peace, the justice of the peace before whom such oath shall be taken shall transmit the same, within a reasonable time, to the clerk of the regiment to which such officer may belong, to be entered of record by said clerk. The oath.

SECT. 11. *And be it further enacted*, That the commanding officers of companies shall enrol every able-bodied white male, citizens as well as aliens, between the age of eighteen and forty-five years, except such as are exempt by the laws of the United States and this present act, residing within his district; and that in all cases of doubt respecting the age of any person enrolled, entitled to be enrolled, or pleading incapacity to serve in any company, the party questioned shall prove his age or inability to the regimental, (or battalion courts of inquiry, in counties containing but one battalion,) within whose bounds he may reside; and it shall, at all times hereafter, be the duty of every such captain or commanding officer of a company, to enrol every such white male as aforesaid, as shall, from time to time, arrive at the age of eighteen years, and under forty-five, except as before excepted, shall come to reside within his bounds, and shall, without delay, notify such person of the said enrolment, by a proper non-commissioned officer, by whom such notice may be proven. Who shall be enrolled in each captain's district. Persons claiming an exemption from enrolment required to prove his age or inability, &c.

SECT. 12. *And be it further enacted*, That the captain or commanding officer of each company shall divide his company, as nearly equal as possible, into four squads; and annually shall nominate one fit and proper person in each squad as sergeant, and another fit and proper person as corporal; but in case of refusal of all or any such persons to act as sergeant or corporal, the commanding officer of such company shall deposit the names of the men in each squad in separate hats, and call some disinterested person to draw two names from each hat; and the person whose name shall be first drawn shall be a sergeant, and the person whose name shall be next drawn shall be a corporal, and such persons shall be responsible for the duties required of such non-commissioned officers by law, for the term of one year thereafter; but such person shall not be compelled to serve again until the name of all other persons in the respective squads shall have been so drawn. Captains to divide their companies into four squads. Appointment of sergeants and corporals regulated. Their term of service.

SECT. 13. *And be it further enacted*, That until arms and equipments of the description required by the militia law of the United States can be procured in this state, by any mode which the legislature may hereafter point out, every non-commissioned officer or private in the militia of the line shall stand bound to appear at all musters, or on all Arms and equipment of non-commissioned officers and privates prescribed.

(No. 341.) other necessary occasions, armed, equipped and provided with a firelock in good order, and a cartridge box or shot pouch : but all volunteer companies of light infantry, grenadiers or riflemen, shall at all times be and appear at musters, or on other necessary occasions, armed, equipped and provided as the militia law of the United States prescribes, as well as any volunteer corps of cavalry or artillery ; and that no volunteer company, of any species of troops, shall be received or acknowledged as a volunteer corps or company, until such volunteer company or companies present themselves armed, and completely equipped, as in the regular army of the United States.

Volunteer companies required to arm and equip themselves as the militia law of the United States prescribes.

Pre-requisites of volunteer troops.

Uniform of militia officers and of volunteer corps prescribed.

That of riflemen shall be green.

No member of a volunteer company shall be exempt from militia duty in the line, until he shall have legally equipped himself as such, and produced a certificate thereof from his captain.

Penalty for withdrawing from a volunteer company.

Commissions of volunteer corps shall designate the number of the regiment or battalion to which they are attached, &c.

Duties and liabilities of such corps.

Restriction as to the enlistment of volunteers.

How many corps may be commissioned.

SECT. 14. *And be it further enacted*, That the uniform of the officers of the militia shall correspond with that worn at present by the army of the United States ; and the uniform of all volunteer corps shall be blue, with such ornaments as may be added, according to the taste of the members thereof, excepting the uniform of riflemen, which shall be green, with the same privileges of adding any ornaments ; and no person belonging to the militia of the line shall, under colour of enlisting into any company to be made up by volunteer enrolment, be excused from doing duty in the infantry of the line, until he shall have equipped himself for service in such volunteer company, according to law, and shall have produced a certificate thereof from the commanding officer of the volunteer company to the commanding officer of the district company to which he did properly belong ; and no person, having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his regiment or battalion district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company from which he shall so withdraw, without having given said commanding officer thirty days previous notice of his intention so to withdraw ; which commanding officer shall return all such cases to the first battalion court of inquiry that shall sit thereafter ; and the commissions of said volunteer corps shall designate the number of the regiment or battalion to which they are attached, and the commanding officers of the regiment or battalion shall direct how they are to be posted on the regimental or battalion parades, unless differently ordered by a superior officer ; and the said companies shall perform the same routine of duty, (under their respective officers,) and be subject to the same rules and regulations, penalties and orders, as the rest of the militia ; and the commander in chief may order them or any of them out on duty, as occasion, in his opinion, may require, by entire companies ; and when a district company shall not contain any greater number of effective men than what is required by the law of congress, no volunteer corps shall enlist more than one eleventh man out of said district, except in the city of Savannah, and no greater number of volunteer corps shall be commissioned henceforward (unless it is in cases of emergency) than what the militia law of the United States prescribes to be attached to regiments and battalions.

SECT. 15. *And be it further enacted*, That the commanding officers of companies, of every description, shall muster their respective companies four times, and not more than six times, in time of peace, in every year, at such places within their company districts as may be most convenient to a majority of each company, and at such times as shall be ordered by the commanding officer of such company; and it shall be the duty of all commanding officers of companies, at any and every of their company musters, to take an exact account of arms, accoutrements and ammunition, in possession of each member of his company, and shall add to such account the arms, accoutrements and ammunition in possession of any otherwise who may fall into his company from time to time, and shall make an exact return of his company to the commanding officer of the regiment or battalion review, in the form which he shall receive from such commanding officer or the adjutant; which return shall be filed ready to be delivered to the inspector, as he shall commence the inspection of each company.

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Company
musters regu-
lated.

Each captain
to make a re-
turn of his
company to
commanding
officer of the
regiment, or
battalion re-
view.

SECT. 16. *And be it further enacted*, That there shall be held in each regiment or county, once in every year, or as the commander in chief may order, a convention of the field, staff, company, and non-commissioned officers of regiments, for the purpose of being trained and instructed, by the adjutant general, in the exercises and discipline prescribed by Congress; at which said conventions all field officers shall appear in their uniform, armed with swords, and provided with their respective commissions: and all staff, company, and non-commissioned officers, shall appear in their uniform, armed with firelocks and bayonets, accoutred with cartouch boxes, bayonet belts and scabbards, and provided with their commissions and six blank cartridges each; and all such officers so convened shall form a company, and be subject to such orders, regulations and instructions, as the adjutant general may deem necessary to teach and enforce the discipline prescribed by Congress, for a term not exceeding three days at any one meeting; that there shall be held in each county or regiment once a year, or as often as the commander in chief may order, a regimental muster, (or battalion muster in counties holding but one battalion,) for the purpose of being trained and instructed, by the adjutant general, in the exercises and evolutions prescribed by Congress; and that a like convention of field and company officers, and musters by regiments, (or by battalions where there is one battalion only in a county,) shall be held once a year, by order of the brigadier general, for the purpose of being trained and mustered by the brigade inspector, in the exercises and evolutions prescribed by Congress; and that the brigade inspector shall attend all conventions of field and company officers, regimental and battalion musters, within their respective brigades, and shall make such returns as are prescribed by the militia law of the United States; and independent of the foregoing provisions, the commanding officers of regiments and battalions shall, and are hereby ordered to have regimental and battalion musters, not exceeding once in every year; and the majors of

An annual
convention of
the field, staff,
company, and
non-commis-
sioned officers
of regiments
required, in
order to be
trained, &c.
by the adju-
tant general.

Regimental
musters, &c.

A convention
of officers by
order of the
brigadier ge-
neral requir-
ed, for the
purpose of be-
ing trained by
the brigade
inspector.

His duty.

Other regi-
mental and
battalion mus-
ters to be held.

(No. 341.) battalions, when there is but one battalion in any county, shall and are hereby required to have battalion musters, not exceeding two in each year.

Sutlers regulated.

SECT. 17. *And be it further enacted*, That when sutlers shall attend regimental or other musters, they shall be considered under the direction of the commanding officer present, with regard to the time and place of selling liquors or other refreshments, and that it shall be lawful for said commanding officer to grant exclusive privileges to such persons as may engage to furnish spacious and convenient places of parade; and the sutlers aforesaid shall not be liable for retailing spirituous liquors at any of the musters aforesaid, under the law for retailing spirituous liquors without license.

Disorderly conduct of by-standers, how punished.

SECT. 18. *And be it further enacted*, That if any by-stander shall interrupt, molest or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer at such muster or court, or board, may confine him or them, where such offence shall or may happen, for a term not exceeding one day, nor less than six hours, during which time they shall not be allowed to drink any spirituous liquors; and if any non-commissioned officer or soldier shall behave himself disobediently or mutinously when on duty, or before any court or board directed by this act to be held, or shall leave the ranks without permission, or refuse to fall therein when ordered, or at any muster whatever, or shall appear on parade drunk, or shall quarrel himself, or promote any quarrel amongst his fellow soldiers, such non-commissioned officer or soldier so offending shall be disarmed, and confined for the day, by order of the commanding officer present, and shall moreover be fined, at the discretion of a court of inquiry, in a sum not exceeding thirty dollars, nor less than five, to be appropriated as other fines imposed by this act.

Penalties for delinquencies of a major general.

SECT. 19. *And be it further enacted*, That the following forfeitures, pains and penalties, shall be incurred for delinquencies, to wit: major general or commanding officer of a division, for failing to discharge the duties required by this act, or disobeying any order legally issued by the commander in chief, shall, for each and every such offence or neglect, forfeit and pay a sum not exceeding one thousand dollars; for acting in contempt of any order given by the commander in chief to him directed, for every such offence forfeit and pay a sum not exceeding two thousand dollars, or be removed from office, according to the provisions of the third section and fourth article of the constitution, or both, at discretion. By a brigadier general or commanding officer of a brigade, for failing to discharge the duties imposed by this act, or disobeying any order legally issued by a superior officer, shall, for each and every such offence or neglect, forfeit and pay a sum not exceeding six hundred dollars; for acting in contempt of any order to him directed, legally issued by a superior officer, forfeit and pay for every such offence a sum not exceeding fourteen hundred dollars, or be removed from office, according to

Of a brigadier general.

the provisions of the third and fourth article of the constitution, or both, at discretion ; (No. 341.) that the following forfeitures and penalties shall be incurred for delinquencies, to wit :

By a colonel or commanding officer of a regiment, for failing to appear at musters, or Of a colonel.

on any other necessary occasion, armed and uniformed as the law directs ; for failing to take an oath to summon at any court or board, or failing to order a regimental or battalion muster, to report delinquent officers, to make returns of his regiment, shall, for each and every such offence or neglect, forfeit and pay a sum not exceeding one hundred and forty dollars ; for failing to call into service any militia legally detailed from his regiment, six hundred dollars. By a lieutenant colonel or major, for failing to appear

Of a lieutenant colonel.
or major.

at muster, or on any other necessary occasion, armed and uniformed as above ; for failing to take an oath to attend any court or board, to give notice of any regiment or battalion muster, to report delinquencies or make any return, he shall forfeit and pay, for each offence and neglect, a sum not exceeding sixty dollars ; for failing to call forth his battalion with due dispatch, or any detachment of men or officers that may be required, from time to time, by the commanding officer of his regiment or the commander in chief of the state, three hundred dollars. By a captain, for failing to appear at muster,

Of a captain.

or on any other necessary occasion, armed and uniformed as the law directs ; for failing to take an oath to attend any court or board, to enrol his men, and take an account of their arms, accoutrements and ammunition ; to appoint or draft non-commissioned officers, as directed by this act, to give notice of regimental, battalion and company musters, to cause his roll to be called, and his company to be exercised, to examine his company, and report delinquencies and defaulters, or to make any return as directed by this act, shall forfeit and pay for each and every such offence and neglect, a sum not exceeding forty dollars ; for failing to call forth such officers and men as may from time to time be legally called for from his company, or failing, on such occasions, to repair to the place of rendezvous, he shall forfeit and pay a sum not exceeding one hundred and twenty dollars. By a subaltern officer, for failing to appear at muster, or any other necessary occasion, armed and uniformed as the law directs ; for failing to take an oath or attend any court ; for each and every such offence, he shall forfeit and pay, at the discretion of the court of inquiry, a sum not exceeding twenty dollars ; for failing to repair to the place of rendezvous when ordered, upon any call from the commander in chief, he shall forfeit and pay a sum not exceeding one hundred dollars. By a non-commissioned officer or musician, for refusing or neglecting to act as such, after having been legally drafted or taught ; to give due notice to their respective squads of all musters, and to such of them as they are ordered to summon to courts of inquiry ; for failing to attend any muster or courts of inquiry when ordered ; for failing to appear properly armed and accoutred at aforesaid muster, he shall forfeit and pay a sum not exceeding twenty-five dollars, or for each and every such offence, at the discretion of a court of inquiry ; for failing to repair to his rendezvous, when legally drafted and ordered upon any call from the commander in chief, a sum not exceeding one hundred

Of a subaltern officer.

Of a non-commissioned officer.

(No. 341.) dollars. By a private soldier, for failing to attend any muster when legally warned thereto; or failing to attend by the time appointed, which, for all musters to be held throughout the state, shall be by eleven o'clock in the morning, armed and accoutred as this act directs, shall forfeit and pay for each offence, a sum not exceeding twenty dollars, at the discretion of the court of inquiry; for failing to repair to his rendezvous, properly armed, accoutred, and equipped, when legally drafted and ordered upon any call from the commander in chief, a sum not exceeding one hundred dollars, at the discretion of a court of inquiry: *Provided*, that no officer of the militia shall be fined for not appearing in uniform, until three months after he shall have been commissioned; and in addition to the foregoing, all non-commissioned officers and privates who may be hereafter drafted, who shall refuse or neglect to appear, agreeably to such order as may be issued with such object, shall in every respect be considered deserters, and be liable to the rules and articles of war in such cases provided; excepting in the case of privates where a good and sufficient substitute shall be furnished; and if any non-commissioned officer or private shall be returned as a delinquent, for not appearing armed and accoutred as the law directs, the court of inquiry before whom the same shall be tried may, if it appears reasonable, and the delinquent shall make it appear that he was unable to procure the legal equipment, remit the fine incurred by him; and that the fines and penalties incurred by minors and apprentices, for the breach and neglect of their duty in any particular service by law required of them, shall be paid by the parent, guardian or master.

Proviso.

Drafted persons, who fail to appear agreeable to orders, deemed deserters.

Fines for not appearing legally equipped may be remitted, if the delinquent was unable to equip himself. Fines incurred by minors, &c. by whom paid.

Arms, &c. of the militia exempt from execution. Their persons, when exempt from arrest on civil process.

Notices of musters.

SECT. 20. *And be it further enacted*, That all arms, ammunition, and equipments, the troopers' horses, and furniture of the militia, shall be exempted from execution and distress at all times; and their persons from arrest and process in civil cases, while going to, continuing at, or returning from muster, and while in actual service.

SECT. 21. *And be it further enacted*, That the distribution of orders, requiring any muster to be held, shall take place in such manner as that a colonel, or commanding officer of a regiment, shall have notice, in writing, from the brigadier general, at least thirty days before such intended muster; of a battalion, from the colonel, or commanding officer of a regiment, at least twenty days; a captain, or commanding officer of a company, from the major, or commanding officer of the battalion, at least fifteen days, who shall distribute all orders to their sergeants, at least ten days, and the sergeant* to each person in his squad, least three days before such musters respectively; *nevertheless*, all notices publicly given by the commanding officers of companies, at their respective

* This section amended, so far as to permit sergeants to distribute said orders *verbally* to the men in their squad. See act of 1819, No. 342, 8th section.

musters, of any subsequent muster, shall be held and deemed as legal notices, as to all persons present at such musters; and ten days previous notice shall be served in writing to any delinquent officer, non-commissioned officer or soldier, by the adjutant, to said officers, and by sergeants to non-commissioned officers and privates, of the time and place court of inquiry shall sit; and a written or verbal declaration before the court of inquiry by said adjutant and sergeant, or any other officer or soldier, shall be sufficient evidence to such courts of such notices and services; and the commanding officers of regiments and battalions shall, at their respective regimental and battalion musters, take notice of all delinquent officers, and shall lay the same, together with the returns of delinquencies of the commanding officers of companies, at company, battalion, and regimental musters, before the court of inquiry appointed under this act, to take cognisance of and determine on them; and to each of the said returns shall be annexed the following certificate, to wit: "I do certify that the return hereunto annexed contain all the delinquencies which have occurred since my last return, having duly examined the same."

(No. 341.)
Notices to delinquents of the time and place of the court of inquiry.

Returns of delinquent officers to the court of inquiry regulated.

SECT. 22. *And be it further enacted*, That there shall be regimental, battalion and company courts of inquiry, to be appointed and ordered by the commanding officers of regiments, battalions and companies, for the assessment of fines incurred under this act, under the following regulations: Regimental courts of inquiry shall be held within sixty days after each regimental muster, to consist of at least seven of the commissioned or brevetted officers of the regiment, and the senior officers present shall preside; and that all defaulters at the regimental reviews and musters shall be tried at the regimental courts of inquiry which may next happen; battalion courts of inquiry shall be held within thirty days after each battalion muster, to consist of at least five of the commissioned or brevetted officers of the battalion, and the senior officer present shall preside; company courts of inquiry shall be held on the next muster day, or within fifteen days after any company muster, to consist of a majority of the commissioned or brevetted officers of the company, and the senior officer present shall preside: *Provided*, that nothing herein contained shall prohibit any volunteer companies from ordering and holding their own courts martial and courts of inquiry at their own times and places; and such courts shall be held at the regimental, battalion or company muster field, as the case may be, and the following oath shall be administered by one of the officers of the court to the presiding officer, and then by the presiding officer to the officers of the court, to wit: "I, A. B. will truly and faithfully inquire into all delinquencies which appear on the returns to be laid before me, and will assess such fines thereon as may seem just, without favour, partiality or affection; so help me God." And such courts, when so constituted, shall have power to assess fines on all delinquent officers and soldiers within the regimental, battalion or company districts, as the case may be; and the commanding officers of regiments, battalions and companies, shall have power, upon affidavit being made, setting forth good cause to stay the levy of execution, assessed by

Regimental, battalion, and company courts of inquiry for the assessment of fines authorized.

Regimental courts of inquiry, when held.

Of whom to consist.

Who shall preside.

Battalion courts of inquiry, when held.

Of whom composed.

Who shall preside.

Company courts, when held.

Of whom composed.

Who shall preside.

Proviso, as to courts martial and courts of inquiry of volunteer companies.

Where said courts shall be held.

Officers of the court to take an oath.

The oath, how stated.

Such courts may assess fines. Execution,

(No. 341.) any preceding regimental, battalion or company courts of inquiry, as the case may be, until the sitting of the succeeding regimental, battalion or company court of inquiry, as the case may be; who may, upon the merits of the affidavit, remit the said fine, if good cause appears to them to be shown; and fines inflicted by company courts of inquiry shall be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the presiding officer of the court, by a constable of the district:

Provided nevertheless, that in companies where there may be a deficiency of officers from any cause whatever, so as to prevent the holding of courts of inquiry, agreeably to the laws of this state, that it may and shall be lawful for one or more of the officers of any adjoining company to become a member of any or every such court of inquiry as may be ordered by the officer commanding, until such vacancy of officers be filled up.

When any company has not officers enough to compose a court of inquiry, one or more officers of an adjoining company may be admitted.

Majors of battalions, in counties containing but one battalion, shall nominate an adjutant and paymaster.

SECT. 23. *And be it further enacted*, That majors of battalions, in counties containing but one battalion, be allowed to nominate two fit and proper persons to act as adjutant and paymaster in his county, who shall be appointed by the lieutenant colonel commandant, and which shall be so construed as to supersede the necessity of having a regimental adjutant and paymasters in such cases.

A clerk and provost marshal of regimental courts of inquiry, how appointed.

Clerk's duty. He shall make out a list of fines, &c. to be transmitted to the regimental paymaster, who may receive fines voluntarily paid.

Said clerks shall make out warrants of distress and sale against delinquents.

Said warrants how signed, countersigned, directed and levied.

Money collected, to be paid to the paymaster aforesaid.

Return of the warrant. Fees of the constable.

SECT. 24. *And be it further enacted*, That the respective regimental courts of inquiry shall annually appoint, by ballot, a clerk and provost marshal, who shall attend the courts herein before directed to be held; and it shall be the duty of such clerk to keep a fair record of all the proceedings of said court; and within ten days after every battalion and regimental court of inquiry, (in counties containing but one battalion,) to make out a fair list of all fines assessed by such battalion or regimental courts of inquiry, designating therein the captains' districts in which each delinquent resides, and transmit the same to the paymaster of the regiment, who is hereby authorized to receive the fines which any delinquent may voluntarily pay; and such delinquent, upon producing the paymaster's receipt to the clerk, shall be credited therefor without any further cost or trouble; and the said clerk shall, within thirty days after every regimental court of inquiry, make out warrants of distress and sale against every delinquent on whom fines have been assessed, (and who have not produced the paymaster's receipt as aforesaid,) signed by himself, and countersigned by the commanding officer of the regiment, or major commandant, and directed to the constable of the district in which the defaulters respectively reside, and take the constable's receipt therefor, who shall proceed to levy the same on the goods and chattels of such delinquent, and shall pay the monies so collected to the paymaster of the regiment, and make return of such warrants to the clerk, within two months after receiving the same; and shall be entitled to the same costs as are allowed by law in civil cases of equal dignity, and subject to the same rules, restrictions and penalties as if such warrants had been issued by any justice of the peace.

SECT. 25. *And be it further enacted,* That the paymaster of a regiment, previous to his entering on the duties herein required, shall give bond and security to the court of inquiry for the faithful discharge of his duty, under such pecuniary penalty as they may think proper: he shall keep fair accounts of the receipts and disbursements of all monies which may come into his hands by virtue of this act, which accounts shall at all times be subject to the inspection and examination of said court, or of any member thereof; and all accounts passed by said court, (or appropriations made by them,) and certified by the presiding officer, shall be sufficient to authorize the paymaster to pay the same; and should such paymaster fail to render a true and just account of all money by him received, at any time when required so to do by the court of inquiry, he shall forfeit double the sum which he fails to account for, to be recovered, by motion in the name of the commanding officer of the regiment, in any court having jurisdiction of the same, in the county where he may reside, giving such paymaster ten days previous notice of such motion: and he shall moreover be dismissed from the office of paymaster of the regiment.

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Regimental paymaster to give bond and security.

To keep accounts of receipts and disbursements.

When authorized to pay out money.

Penalty for not rendering a true account of all monies received by him.

How recovered.

SECT. 26. *And be it further enacted,* That the monies arising from fines and forfeitures by virtue of this act, shall be considered as a fund to defray the expenses arising under the same, to provide standards and colours for the battalions and regiments, musical instruments for companies, ammunition for field days, and every other kind of warlike arms, implements or equipage, which, in the opinion of the court of inquiry, may tend to the advancement of the militia service; and moreover the court of inquiry shall, from time to time, appropriate such sums as they shall think just and right, as a compensation to their clerks and paymasters, and any other person necessarily employed in carrying the militia law into effect within the bounds of their respective regiments.

Appropriation of fines.

Compensation of the clerk, paymaster, &c.

SECT. 27. **And be it further enacted,* That the commander in chief of the state, upon complaint for misconduct or neglect of duty, lodged in writing in the executive office by five or more of the commissioned officers, shall cause to be arrested any major general, brigadier general, the adjutant or quartermaster general, and order a court martial of all the other generals, and field officers, and captains, or so many of them (having a regard to seniority) as shall amount to thirteen, which court martial shall proceed in the same way; and under the same restrictions as is herein after provided for the trial of field officers; and any major general, or brigadier general, for misconduct within their own knowledge, or upon complaint lodged in writing by two commis-

Major general, brigadier general, adjutant and quartermaster general, how arrested.

Court martial, of what number and of whom composed.

Colonel, lieutenant colonel, major of a battalion, &c. how arrested.

* For further proceedings on the arrest of any officer, see the 10th section of the act of 1819, No. 347

(No. 341.)	sioned officers, shall have power to arrest any colonel, lieutenant colonel, major of bat-
Court mar- tial, by whom ordered, of whom, and of what number composed.	talion, or any other officer attached to their respective staffs; and the commanding officer of the division shall order a court martial for each colonel, lieutenant colonel, major of battalion, major of brigade or inspector, to be composed of one brigadier ge- neral, and of as many field officers and captains as shall make up a number of not less than thirteen; and such court martial shall proceed to hear and determine on all offences against military order and decorum, and may censure, fine or cashier such officer, which sentence shall be final, when approved by the commander in chief of the state; and any brigadier general, colonel, lieutenant colonel or major, for misconduct in any captain, subaltern, or regimental staff officer, within his own knowledge, or upon complaint lodged in writing by any commissioned officer, may arrest such captain, subaltern or re- gimental staff officers; and the brigadier or commanding officer of a brigade shall order a brigade court martial for the trial of any such offender, to be composed of one or more field officers, and as many captains and subalterns as will make up a number of not less than thirteen; and such court martial shall proceed to hear and determine on all offences against military order and decorum, and may censure, fine and cashier any officer so tried, which* sentence shall be final when approved by the officer ordering such court. And before any court martial shall proceed to hear and determine any case, they shall take the following oath, to be administered by the presiding officer to every other member, and then by the officer next in rank, to him, to wit: "I do solemnly swear, that I will well and truly try the case now before me, according to the evidence and the opinion I entertain of the spirit and intention of the laws of this state and of the United States, and that I will not divulge the vote or opinion of any member of this court, un- less required to give evidence thereof in a court of justice, in a due course of law, until the sentence shall be approved of by the proper authority; so help me God:" and for obtaining the necessary evidence for the trials aforesaid, the commander in chief of the state, or the presiding officer of the court martial, shall issue his summons; and every person so summoned failing to attend and give evidence, shall be subject to be tried by a court martial, and, if an officer, may at the discretion of such court be cashiered or fined not exceeding six months pay, as by the law of the United States is allowed to such officers when in service, and if a non-commissioned officer or soldier, or person not enrolled, to be reported to a court of inquiry of the regimental district in whose bounds he shall reside, and be then subject to such fines and penalties as they may think proper to inflict, not exceeding twenty dollars; and all persons summoned or
Power of the court.	
A captain, subaltern, or regimental staff officer, how arrested.	
Brigade court martial, by whom order- ed, of whom and how many composed.	
Power of said court.	
An oath to be taken by each member of a court martial. The oath.	
Witnesses, how summon- ed.	
How punish- ed for non at- tendance.	

* So much of this section as gives the brigadier general, or officer ordering a court martial, the power of approving, is repealed by act of 1819, No. 342, section 9th, which also enacts, that all sentences of a brigade court martial, amounting to cashiering, shall be laid before the major general for approval.

called to give evidence before any court martial shall take the following oath, to be administered by the president or judge advocate, to wit: "I — do solemnly swear, that the evidence that I will give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth; so help me God:" and when any militia officer shall be cashiered, he shall not be eligible to hold any commission for the term of three years thereafter.

(No. 341.)

Oath of witnesses.

A militia officer, when cashiered, shall be ineligible for three years.

And be it further enacted, That if any officer, arrested for trial, shall refuse or neglect to attend, such refusal or neglect shall be deemed *ipso facto* sufficient evidence of his guilt, so far as to authorize the court to subject such offender or defaulter to such fines and penalties as might have been inflicted, had the individual appeared and been regularly convicted of the charges preferred against him.

The refusal of an arrested officer to attend a court martial for trial, deemed *ipso facto* an evidence of guilt, and he may be sentenced accordingly.

SECT. 28. *And be it further enacted,* That his excellency the Governor be authorized and empowered, on an invasion or insurrection, or probable prospect thereof, to call forth such a number of the militia, and from such county or counties, and in such manner, either companies or by drafts, as he may deem proper; and for the accommodation, equipment, and support of the militia so called forth, the commander in chief of the state may appoint such quartermasters, commissions, and other staff officers as to him shall seem proper, and shall also take such measures for procuring, transporting and issuing all orders which may be necessary: orders for the militia to be called forth as aforesaid, shall be sent to the commanding officer of the regiment, brigade or division, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and rank of officers, by regular details, drafts, or volunteer enlistments, as he may be ordered: whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war which govern the troops and the militia which are in the service of the United States; and courts martial shall be held as therein directed, to be composed of militia officers only, for the trial of any person in the militia; but to the cashiering of any officer, or capital punishment of any person, the approbation of the commander in chief shall be necessary; and when any militia shall be in actual service, they shall be allowed the same pay and rations as are allowed by law to the militia of the United States: if a sudden invasion should happen in any county in this state, the commanding officer of the militia in such county is hereby authorized and required to order out the whole, or any such part of the militia as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection, and shall call on the commanding officer of the adjacent county for such aid as he may think necessary, who shall forthwith, and in like manner, furnish the same; and in the event of any ordered out by the commanding officer of a county as aforesaid, such officer

Governor when authorized to call out the militia, and in what manner.

May appoint certain officers, and adopt measures for procuring, transmitting and issuing orders.

Orders for calling out the militia, how distributed and executed. Militia, when in service, governed by the articles of war of the United States.

Courts martial, how held, and of whom composed.

The cashiering of an officer, or capital punishment, must be approved by the commander in chief.

Pay, when in service.

What to be done in case of any sudden invasion, or

(No. 341.) shall immediately give notice of the same, and the cause thereof, to the commanding officer of the brigade or division, who shall forthwith report the same to the commander in chief.

Expresses may be employed to transmit orders.

Their compensation. Proviso.

Proviso.

SECT. 29. *And be it further enacted*, That the major generals, brigadier generals, and colonels commandants of regiments, be, and they are hereby vested with powers to employ such persons, and contract with the same at any rate not exceeding four dollars per day, to ride express, for transmitting such orders as in their judgment may be for the good of the public service: *Provided*, that a day's riding, for any express, be not less than thirty-five miles; during the necessary time they may be actually engaged in performing such duty, to be paid by the Governor out of the contingent fund, upon their producing a certificate of the general or officer so employing them: *And provided also*, that no express employed by the colonel or commandant shall be allowed pay, unless in case of insurrection or invasion.

Pay of the adjutant general, when in service.

SECT. 30. *And be it further enacted*, That the adjutant general shall be allowed such pay, while in actual service, as shall be expressed in each annual appropriation law, and that in case of omission in any of said laws of such allowance, the commander in chief is hereby authorized to pay the same out of the contingent fund, at the rate of the pay, subsistence and forage which officers of equal rank and allowance, when in the service of the United States, and the accounts of the adjutant general for the same being first certified by a major general or the commander in chief.

Captains once in every year to read such parts of the militia law of the state and United States as relate to the discipline, &c. of their companies.

Officers of volunteer companies, when allowed to vote for field officers.

Not to hold commissions without forty men.

Cavalry law repealed.

Only one troop of cavalry shall be attached to a regiment of infantry.

SECT. 31. *And be it further enacted*, That it shall be the duty of every captain or commanding officer of a company to read, or cause to be read, in the hearing of his company, whilst on parade, at least such parts of the militia law of this state and of the United States as relate to discipline and the preservation of good order, once in every year.

SECT. 32. *And be it further enacted*, That officers commanding volunteer companies shall not be permitted to vote at any election for a field officer, unless they should actually have forty men in uniform at the time of such election, nor shall any officer of any volunteer company of this state be entitled to hold their commission with a less number of men.

SECT. 33. *And be it further enacted*, That after the passing of this act, all laws or parts of laws organizing a brigade, regiment, or squadron of cavalry in this state be, and the same are hereby repealed; and that not more than one troop of cavalry shall be attached to the several regiments of infantry, to be commanded by the colonel commanding the regiments respectively.

SECT. 34. *And be it further enacted,* That when any person shall be elected, and shall receive brevet or commission, and shall resign the same before the expiration of three years from the date of his said brevet or commission, such person or persons so resigning shall not be capable of being elected to any post or office in the militia of the state, higher in rank than fourth corporal, for the space of three years: *Provided,* that a removal out of the regimental, battalion or company district, shall not vacate their commission, and not subject the person so removing to the disabilities therein contained.

(No. 341.)
An officer who shall resign his commission or brevet, before the expiration of three years from the date thereof, shall be ineligible to a higher rank than fourth

corporal for three years. Proviso.

SECT. 35. *And be it further enacted,* That when any commissioned, non-commissioned officer or private has been regularly fined for misconduct or neglect of duty, and no goods and chattels can be found whereon to levy the said fine, that then it shall be lawful to imprison the said delinquent one day for each dollar, to the amount of his fine; and that it shall be the duty of the keeper of such jail to receive such offender or defaulter, and to keep him or them in close custody, for the term in such warrant expressed, and until such offender or defaulter shall have satisfied such keeper for his fees on his confinement: *Provided,* no jailor shall detain such person or persons more than one day for his fees.

Imprisonment for fines authorized.

Proviso.

SECT. 36. *And be it further enacted,* That all officers, whilst on duty, and any militia called to musters or parades, or to courts martial or courts of inquiry, having to pass over toll bridges, ferries, or through turnpike gates, shall pass toll free going to or returning from such muster, parade or court as aforesaid.

Officers and militia shall be exempt from ferriage, &c. in going to and returning from musters, &c.

SECT. 37. *And be it further enacted,* That it shall be the duty of each major general to nominate and appoint one fit and proper person, who shall bear the title of major, to act as judge advocate, whose duty it shall be to attend all courts martial held in said division.

Judge advocate, how appointed.
His rank and duty.

SECT. 38. *And be it further enacted,* That division and brigade inspectors, or brigade majors, shall receive four dollars per day while in actual service, to be paid out of the contingent fund: *Provided,* the services which are to be performed shall not exceed thirty days in any one year, and shall be certified by the commanding officers of the regiments or battalions in the brigade where such services are performed.

Pay of division and brigade inspectors, when in service.
Proviso.

SECT. 39. *And be it further enacted,* That there shall be to each regiment of infantry of the militia in this state, one colonel and one lieutenant colonel: *Provided,* that all persons now in commission as lieutenant colonel, shall take rank as colonel, and the oldest major in each regiment take rank as lieutenant colonel, who shall hold such rank and appointments during their residence within their respective regiments or battalions, unless they are sooner removed by court martial or resignation, who shall be commis-

Each regiment of infantry shall have one colonel and lieutenant colonel.
Proviso.

(No. 341.) sioned by the Governor accordingly ; thereafter when vacancies shall happen, they shall be elected as heretofore pointed out.

Pay of members of a court martial.

SECT. 40. *And be it further enacted*, That officers and the judge advocate, detailed on a court martial for the trial of an officer or officers under arrest, shall each be allowed the sum of four dollars per day, during the time of their actual session, and four dollars for every thirty miles, in going to and returning from each court martial, to be paid by the executive, on such judge advocate or officer's producing the certificate of the president of such court martial.

Horse, artillery, and rifle companies, one of each allowed to a regiment. Exception.

SECT. 41. *And be it further enacted*, That not more than one company of horse, one of artillery, and one company of riflemen, (each to consist of not less than forty nor more than one hundred, exclusive of officers,) shall be attached to each regiment, except in the cities of Savannah and Augusta, where there shall be no restrictions, so as to prevent the existence of any number of volunteer corps, or any number of men in each company exceeding the number above mentioned.

Who shall be exempt from militia duty.

SECT. 42. *And be it further enacted*, That all persons who now are, or who may hereafter be exempted by the laws of the United States, and all clergymen regularly ordained, shall be exempted from militia duty.

Requisitions of militia for public service, how apportioned, &c.

SECT. 43. *And be it further enacted*, That when any detachment of militia may be required of this state by the proper authority, for the service of this, or the United States, it shall be the duty of the adjutant general to apportion the number required from the several divisions and brigades, and the Governor shall give orders to the commanders of divisions for carrying the same into effect.

An alphabetical list of the men detached, to be transmitted to the executive. Such detachment, how officered.

And be it further enacted, That it shall be the duty of the colonel of the regiment or regiments, from which said men are taken, to make out an alphabetical list of all the men so detached, and transmit the same to the executive office within ten days ; and the Governor shall officer the same out of the line of officers out of which such officers is required, within the regiment or regiments from which said men are taken ; and it shall be the duty of the executive, when a brigadier's command or major general's is called out, to appoint the brigadier or major general out of the brigadiers or major generals then in command in this state, to command the same.

Governor to have copies of this law, and certain laws of the U. States, and the articles of war, to be printed and distributed.

SECT. 44. *And be it further enacted*, That his excellency the Governor is hereby authorized to cause a sufficient number of copies of this law, together with the act of Congress more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, and the act of Congress for calling forth the militia, to execute the laws of the Union, suppress insurrections and repel invasions, and

the articles of war, to be printed and distributed throughout the state, so that every (No. 341.) general and field officer therein, and every brigade inspector, adjutant and captain, may be furnished with one copy each; and his excellency the Governor is moreover required to contract for a sufficient number of copies of the rules and discipline prescribed by Congress, or which may hereafter be prescribed for the troops of the United States, as will furnish the commanding officers of every company throughout the state with one copy, all which shall be the property of the company, and descend to them in the succession of captains, as long as they last: *Provided*, nothing in this act shall be construed to prevent the company of Darien Volunteer Guards from continuing as a company, if they have not forty men in said company.

Also to contract for a number of copies of the rules and discipline prescribed by Congress for the troops of the U. States.
Proviso.

SECT. 45. *And be it further enacted*, That all laws and parts of laws, heretofore enacted, to regulate the militia of Georgia, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 342.)

To amend an act, entitled "An act to revise and consolidate the Militia laws of this state, and to repeal the Cavalry laws now in force," passed 19th December, 1818.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That nothing in the fourth section of the above recited act, shall prevent regimental and battalion districts from embracing parts of two or more counties, where such arrangement cannot be conveniently avoided; and that at all elections authorized by said act justices of the peace may preside.

Regimental and battalion districts may embrace parts of two or more counties.

Justices of the peace may preside at elections authorized by the recited act.

SECT. 2. *And be it further enacted*, That when a vacancy shall happen by death, resignation, or otherwise, of any officer of regiment, or major of battalion, such vacancy

Vacancies.

(No. 342.) shall be filled in manner pointed out by the eighth section of said act, except in case of lieutenant colonel, whose vacancy shall be filled by the senior major commanding, who shall take rank and be commissioned accordingly.

The 40th section of the recited act repealed.

SECT. 3. *And be it further enacted*, That the fortieth section of the act aforesaid be, and the same is hereby repealed.

Artillery company, how raised.
Proviso.

SECT. 4. *And be it further enacted*, That where there may be two or more regiments in any county, and but one artillery company, that said company may be raised out of any or all of said regiments: *Provided*, that no company is reduced to less than sixty-four rank and file, or the number recruited does not exceed every eleventh man in each company; and said company shall be attached to the regiment where the captain of said company resides.

Removal of any officer in Savannah or Augusta (unless it be beyond their corporate limits)

SECT. 5. *And be it further enacted*, That in the cities of Savannah and Augusta, no removal of any commissioned officer, except it be beyond the corporate limits of said city, shall vacate the commission of said officer.

"Independent Troop" of Liberty county.

SECT. 6. *And be it further enacted*, That the "Independent Troop," in the county of Liberty, be permitted to continue under the like privilege granted, in the before recited act, to the Darien Volunteer Guards.

There shall be two majors to a regiment consisting of 3 battalions.

SECT. 7. *And be it further enacted*, That when a regiment shall consist of three battalions, there shall be two majors; and that nothing in the before recited act shall be so construed as to prevent the existence of the two volunteer troops in the counties of Jefferson and Wilkes.

Two volunteer troops in Wilkes and Jefferson counties permitted to exist.

Sergeants allowed to deliver orders verbally 3 days before muster.

SECT. 8. *And be it further enacted*, That the twenty-first section of the aforesaid act be amended, so far as to make it lawful for the sergeant to distribute all orders verbally, to each person in his squad, three days previous to any muster.

Sentence of cashierment, by whom to be approved.

SECT. 9. *And be it further enacted*, That so much of the militia law as gives the brigadier general, or officer ordering a court martial the power of approving, be, and the same is hereby repealed; and that all sentences amounting to cashiering of any officer, passed by a brigade court, shall be laid before the major general of the division, for his final approval.

SECT. 10. *And be it further enacted,* That all officers arrested shall have at least (No. 342.) twenty days notice in writing, of the time and place of the sitting of the court, for his or their trial, and be furnished with a list of the officers detailed to sit on said court; and it shall be the duty of the field officers issuing an arrest, to give the adjutant or officer serving the same authority to summon all such witnesses, on both sides, as may be pointed out by the parties.

Officers arrested, entitled to 20 days written notice of the time and place of the court martial, and to be furnished

with a list of the members. Witnesses, how summoned.

SECT. 11. *And be it further enacted,* That the Laurens Troop of Light Dragoons be permitted to exist and retain their accustomed privileges, subject only to be disbanded by the commander in chief: *Provided,* they do not arm and equip within such time as he may be disposed to allow.

Laurens Troop of Light Dragoons permitted to retain their privileges, &c.

Proviso.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 343.)

To authorize the military officers in the county of Jackson to consolidate the two regiments therein, and to lay off the battalions and company districts.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the senior colonel commandant in the county of Jackson shall, without delay, proceed to convene the commissioned officers in said county, at the town of Jefferson in said county, by giving at least twenty days notice of the time and place at which such convention is to be held, by advertising the same at the said town of Jefferson, and at one or more of the most public places in each battalion; and it shall be the duty of the said commissioned officers, or a majority of them, when so convened, and they are hereby autho-

Military officers of Jackson county authorized to consolidate the two regiments therein, and to lay off the battalion and company districts.

(No. 343.) rized to proceed to consolidate the two regiments in said county, and lay off the battalions not exceeding three, and to lay off the company districts, taking due care that the said districts shall not contain a less number of men capable of bearing arms than is required by the militia law now in force.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 29th November, 1819.

JOHN CLARK, GOVERNOR.

MISSISSIPPI TERRITORY.

AN ACT

1812.
(No. 344.)

Declaring the assent of the Legislature of the state of Georgia to the formation of one or more state governments in the Mississippi Territory.

WHEREAS, Congress, at their last session, passed a resolution requesting the assent of the legislature of this state to the formation of one or more state governments in the Mississippi Territory : And whereas, the legislature of this state deems it to be just and right, that the expediency of forming territorial, into state governments, should be submitted to the wisdom of the general government, and can discover no reasonable objection that this state can have to such formation :

BE it enacted, therefore, by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the assent of the legislature of the state of Georgia is hereby given and declared to the formation of one or more state governments in the Mississippi Territory, by the Congress of the United States, at any time they may hereafter think proper to order and establish the same.

The assent of the legislature to the formation of one or more states in the Mississippi Territory declared.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 5th December, 1812.

D. B. MITCHELL, GOVERNOR.

NAVIGATION.

1811.

(No. 345.)

AN ACT*

Amendatory to An act to incorporate a company for the purpose of opening the Ogechee river, from the mouth of Canouchee to the mouth of Rocky Comfort, and for the improvement of the navigation thereof.

A meeting of the commissioners mentioned in the recited act authorized for the purpose of electing officers, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passing of this act, the commissioners named in the above mentioned act be, and they are hereby authorized to call a meeting of the subscribers, for the purpose of electing officers, and organizing the said company, so as to proceed directly to the opening of the said river.

The last paragraph of the ninth section of the recited act explained.

SECT. 2. *And be it further enacted,* That the last paragraph of the ninth section of the said act shall be understood and read in the words and manner following, viz: "and at the expiration of twenty years, or at such other period thereafter, as the aforesaid company shall be reimbursed in the amount of principal and interest of the sum so subscribed, no longer toll shall be required or demanded."

Andrew Bird and James Bird and their heirs exempt from paying toll for navigating said river.

SECT. 3. *And be it further enacted,* That nothing in this or the before recited act shall be so construed as to compel James Bird or Andrew Bird, and their heirs, to pay any toll for navigating the said river Ogechee, between the mouth of Black creek and the Canouchee river.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

* For further provisions relative to Ogechee river, see act of 1811, No. 347; also act of 1817, No. 362, by which \$3000 are appropriated for improving its navigation.

AN ACT

(No. 346.)

To repeal an act, entitled An act for keeping open Little river and Broad river, passed 22d February, one thousand seven hundred and ninety-six, so far as respects Little river, and all other acts passed for the prevention of erecting mills on said river.

WHEREAS, the erection and establishment of merchant mills are objects of utility, Preamble.
and the first importance to the citizens of this state, particularly that portion of the citizens who live adjacent to the said river : And whereas, the said Little river affords many valuable and eligible situations for the erection and establishment of merchant mills : for remedy whereof,

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That an act, entitled An act for keeping open Little river and Broad river, passed the twenty-second day of February, seventeen hundred and ninety-six, be, and the same is hereby repealed, so far as respects Little river, and all other acts heretofore passed, which had a tendency to forbid or prevent persons from erecting mills on said rivers.

The recited act, so far as regards Little river, repealed, and all other acts preventing the erection of mills on said river.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 14th Decémber, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 347.)

AN ACT*

To revise and amend the third section of an act for clearing out Ogechee river and Briar creek, passed the twenty-second day of February, 1796.

Preamble.

WHEREAS, the said third section of the before recited act is found insufficient for the purposes intended : for remedy whereof,

Persons who have or may put hedges, &c. across the Ogechee river, between the mouth and the shoals of the same, required to remove them.
Hedges, &c. remaining on or after the first day of January next, in said river, how removed.

Liability of the persons who placed the same therein.

Second offence, how punished.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act, all hedges, stops or weirs already made, or which may hereafter be made across the said river Ogechee, any where between the mouth thereof and the shoals of the same, shall be removed by the person or persons putting in the same, and if any hedge, stop or weir as aforesaid shall, on the first day of January next, or at any time thereafter, be or remain in the said river, it shall be the duty of any justice or justices of the peace in any adjoining company district or county, on information being made on oath, that there is any hedge, stop or weir in the said river, between the places as aforesaid, to issue his order, directed to any lawful constable of said district or county, to summon and take with him any number of citizens which he may deem necessary, and proceed without delay to remove all such hedges, weirs or stops as aforesaid ; and the person or persons having placed the same in said river, shall be liable to pay at the rate of fifty cents per day for each person so employed as aforesaid, all to be recovered in one action before any court having cognizance of the sum.

SECT. 2. *And be it further enacted,* That any person or persons offending in like manner a second, or at any other time thereafter, shall be, and they are hereby declared to be liable to be indicted in any adjoining county, and on conviction thereof, to be fined in a sum not exceeding one hundred dollars ; one moiety to be paid to the Inferior Court for the use of the county, and the other to the prosecutor.

* See act of 1817, No. 362, appropriating \$3000 for improving the navigation of Ogechee.

SECT. 3. *And be it further enacted*, That all acts or parts of acts militating against (No. 347.)
the provisions of this act be, and the same are hereby repealed. Repealing
clause.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 14th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 348.)

*To amend an act, entitled An act to incorporate a company for improving the
navigation of Broad river.*

WHEREAS, by the above recited act, the whole of the shares contemplated in the Preamble,
said act were required to be subscribed for, before the said corporation or body politic
could be formed, or authorized to proceed in the object contemplated in the above re-
cited act, which will very much retard or prevent the said corporation going into full
effect: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General* The company
Assembly met, That so soon as two hundred and fifty shares shall have been subscribed for improving
for, the said subscribers and their successors shall be, and they are hereby declared the navigation
to be, a body corporate, in mode and manner pointed out by the before recited act. of Broad ri-
ver declared
to be a body
corporate
when 250
shares shall have been subscribed for.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said body Duration of
corporate or politic shall remain and continue a body corporate, under the limitations, said body cor-
porate.
restrictions and provisions, in the aforesaid act contained, until the legislature of this
state shall at any time after the passage of this act extinguish the charter hereby
granted to the said corporation or company, upon paying to them the amount of their

* See act of 1815, No. 356, to incorporate a company for the improvement of the navigation on Broad river.
which repeals the act of 1810, (of which the present act is amendatory.)

(No. 348.) original stock, together with legal interest thereon from the date of the subscription, deducting from the amount of interest such sums as may have been collected from tolls, over and above the necessary expenses of the undertaking, any law to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 349.)

AN ACT*

To amend an act, to incorporate a company for the improvement of the navigation of the Oconee river, &c.

The Oconee Navigation Company authorized to erect any lock or passage through any dam on said river.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the said corporation shall have full power and authority to erect a lock or passage through any dam already built or began in the Oconee river, within the jurisdiction of the said corporation, that they may deem necessary to promote the navigation thereof, any thing to the contrary thereof notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1814, No. 353, to raise money (by lottery) to improve the navigation of Oconee, from the mouth of Fishing creek to Barnett's Shoals; also act of 1817, No. 362, third section, appropriating \$5000 for said river, from Fishing creek to the highest point of navigation, provided the Oconee Navigation Company relinquish their charter and the nett proceeds of the lottery; also act of 1818, No. 365, to render navigable the aforesaid portion of said river; also act of 1819, No. 370, amendatory of the act of 1818. See also act of 1815, No. 355, section 9th; also an act of 1817, section 1st, No. 362.

AN ACT

(No. 350.)

To amend the several acts heretofore passed for opening and keeping open the river Oconee.

WHEREAS, a number of the good citizens of this state did purchase, at the late Preamble. sales of fractional surveys, certain lands on the Oconee river, at very exorbitant prices, which prices were considerably enhanced by certain shad fisheries which were said to be attached thereto, and which benefits will be entirely done away, unless the said river Oconee shall be kept open in pursuance of the several acts then in force at the time said purchases were made :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That if any person or persons shall, after the first day of January next, continue any obstructions that now are, or place any other obstructions for private use in the one third of the Oconee river, including the main sluice from the confluence of the said Oconee and Ocmulgee rivers to the mouth of the Appalachee, by dams, traps or other machinery, by which the free passage of fish shall be thereby obstructed, shall, for every twenty-four hours such obstruction shall be so continued, forfeit and pay the sum of twenty dollars, to be recovered before any justice or justices of the peace in the district where such offender may reside ; the one half thereof shall be for the use of the informer, and the other half for the use of the county where such offender may reside.

Persons so obstructing the Oconee river as to prevent the free passage of fish, how punished.

SECT. 2. *And be it further enacted,* That when any person or persons shall be aiding, abetting or assisting in placing any such obstructions as aforesaid, on due proof thereof, shall suffer all the penalties hereby inflicted on the proper owner or claimant of such dams, traps or other machinery, by which the navigation of the said river Oconee shall be obstructed as aforesaid.

Accessories, how punished.

SECT. 3. *And be it further enacted,* That any person or persons who shall be knowing to any such obstructions being erected in the said river, shall be, and they are hereby authorized to give to the person or persons, their agent or attorney, one day's notice to remove such obstructions within twenty days thereafter, and on their failing so to do, it shall be lawful for any person or persons living adjacent thereto, to call on such number of persons as he may deem necessary, and remove such obstructions at the expense of the owner or owners, claimant or claimants of such dams, traps or other machinery, and the cost and expense of such removal shall be paid by the persons or

Said obstructions, how removed.

(No. 350.) claimants of such machinery, to be recovered before any tribunal having jurisdiction thereof.

This act not
to affect mill-
dams.
Proviso.

SECT. 4. *And be it further enacted*, That nothing in this act shall be so construed as to affect any mill-dam already built, or that hereafter may be built: *Provided*, the owner or owners of said dam or dams will cause to be placed in said dam or dams, in the main sluice of the river, a slope of at least thirty feet wide, and of sufficient depth to admit of the free passage of fish, during the months of February, March, and April.

Repealing
clause.

SECT. 5. *And be it further enacted*, That all laws and parts of laws heretofore passed on this subject, militating against this act, be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 351.)

AN ACT*

To amend an act, entitled An act to keep open, remove and prevent obstructions in Savannah river, calculated to impede the free passage of fish, and the navigation of said river by boats, so far as respects the counties of Richmond, Columbia, Lincoln, Elbert and Franklin, as far as the mouth of Tugalo and Keowee rivers.

Preamble.

WHEREAS, the provisions contained in the above recited act have proved ineffectual to cause the removal of the many obstructions placed in Savannah river, calculated to impede the navigation of said river by boats, and prevent the free passage of fish up said river; for remedy whereof,

Commission-
ers appointed
to examine
Savannah ri-
ver, from Au-
gusta to the
mouth of Tu-
galo and Keo-
wee rivers,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That Richard Gray is hereby appointed commissioner in the county of Franklin; that

* See an amendatory act of 1816, No. 359.

James Hatcher and Enos Tait be, and they are hereby appointed commissioners for the (No. 351.) county of Elbert; that William Smith, Shepherd Gross and Mark Anthony be, and they are hereby appointed commissioners for the county of Lincoln; that Humphrey Evans, James Blanchard, James Cartledge, Archer Avery and James Luke be, and they are hereby appointed commissioners for the county of Columbia; and that Lindsey Coleman and John Wilcox be, and they are hereby appointed commissioners for the county of Richmond; and that all of the aforesaid commissioners, or any one or more of them, shall have full power and authority to proceed to examine and view said rivers, or any part thereof, from the city of Augusta to the mouth of Tugalo and Keowee rivers, and determine whether more than one-third of said river, including the main current or channel, (which is hereby declared shall be kept open at all times,) is obstructed by fish traps and dams attached thereto; and in case he or they shall be convinced, after viewing and examining said river, that more than one-third part of said rivers, including the main current or channel thereof, is obstructed by fish traps or dams attached thereto, or other obstructions placed in said river, calculated to impede the free passage of fish, or navigation of said river by boats; then, and in that case, it shall be the duty of such commissioner or commissioners (if it be convenient) to notify the owner or owners thereof, their agent or manager, to remove the said obstruction or obstructions, within two days; and on refusal thereof, the said commissioners, or any one of the above named commissioners, to order out, and call to their aid, any portion of the military forces of said counties, whose duty it shall be to attend to, and obey said orders, for the removal of said obstructions, and for the protection and defence of persons engaged in the removal thereof, in terms of this act; and in case it should so happen, that the militia should fail to comply with the requisitions of this act, when called on by the said commissioners, or either of them, that then, and in that case, the said commissioners, or any one or more of them, are hereby authorized and empowered to remove, or cause the said obstructions to be removed, in any manner they may think proper.

and to cause obstructions which may impede boats, or the free passage of fish, to be removed.

Said obstructions, how removed.

SECT. 2. *And be it further enacted*, That whenever any one or more of the commissioners herein named, shall be able to identify or make known any person or persons who shall violate the provisions contained in this act, it shall be his or their duty to prosecute the said person or persons, in the county where such offender or offenders may reside, according to the mode pointed out in the above recited act, to suffer the

Offenders, how prosecuted, &c.

(No. 351.) penalties therein specified; one half to the commissioner or commissioners who shall lodge the information, and the other half to the county.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 352.)

AN ACT*

To encourage an improved mode of transporting Merchandize upon the waters of the state of Georgia.

Preamble.

WHEREAS, Samuel Howard, of the city of Savannah, hath presented a memorial to the General Assembly, in which he proposes to adopt a new and improved mode of transporting merchandize upon the waters of the state of Georgia, by towing and warping the ships, vessels, boats and rafts, in and upon which the same may be laden, by means of other boats or vessels impelled by the aid of steam. And whereas, it is right that those who bestow their time and money upon enterprises of public utility, should be secured in the enjoyment of the fruit of their exertions and experiments:

The exclusive right of steam boat navigation on the waters of the state of Georgia, for the purpose of transporting merchandize, vested in Samuel Howard, his heirs, &c. for 20 years.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in order to encourage the said Samuel Howard and his heirs, and his and their associates, in the prosecution of the object of public utility in which they are about to engage, the exclusive right of transporting merchandize upon the waters of the state of Georgia, in or upon ships, vessels, boats or rafts, warped or towed by means of other vessels or boats impelled by the aid of steam, be, and the same is hereby vested in the said Samuel Howard, his heirs and assigns, and his or their associates, for and during the term of twenty years.

* See act of 1817, No. 361, for the incorporation of the Steam Boat Company of Georgia.

SECT. 2. *And be it further enacted by the authority aforesaid,* That during the con- (No. 352.)
tinuance of the said term of twenty years, it shall not be lawful for any person or per-
sons, other than the said Samuel Howard, his heirs and assigns, and their associates, to
transport merchandize upon the waters of the state of Georgia, by means of said im-
proved mode of transportation: *Provided nevertheless,* that nothing herein contained
shall be construed to prevent any person or persons from transporting merchandize in
any other mode now in use thereon, at his or their pleasure, or any other way that
may hereafter be discovered, so that the progress thereof is not aided by the power of
steam.

No other per-
son allowed to
use said mode
of transport-
ing merchan-
dize, during
said term.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person or
persons, other than the said Samuel Howard, his heirs or assigns, and their associates,
shall, during the continuance of the said term of twenty years before mentioned, trans-
port or cause to be transported any merchandize, in or upon any ship, boat, vessel or
raft, towed or warped by means of any other boat or boats, vessel or vessels impelled
by the aid of steam, he or they so offending shall forfeit and pay for every such offence
the sum of five hundred dollars, as well as the boat or boats, vessel or vessels, and all
her machinery, by means of which such transportation shall be effected, to be recovered
by bill, plaint, indictment or otherwise, in any court having competent jurisdiction; one
half of such fine and forfeiture to go to the use of the prosecutor, and the other half to
the use of the state.

Any person
violating said
exclusive
right, how
punished.

Appropriation
of the forfeit-
ure.

SECT. 4. *And be it further enacted,* That so much of an act passed 18th February,
1799, entitled "An act to appoint commissioners for the purpose of co-operating with
the state of South Carolina in improving the navigation of the river Savannah, from the
city of Augusta to the city of Savannah," as would subject property conveyed by said
improved mode of transportation to the toll therein mentioned, be, and the same is
hereby repealed.

Property con-
veyed by the
mode afore-
said exempt
from toll.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if the said Samuel
Howard, his heirs or assigns, or his or their associates, do not, within three years from
the passage of this act, carry into effect the said improved mode of transportation, by
putting into active operation at least one machine, that then, and in such case, the exclu-
sive right hereby granted shall cease and determine; and if the said Samuel Howard
does not carry into operation said steam engine on all other waters under the jurisdiction
of this state, within ten years, the exclusive right granted in this act shall cease on each
stream so neglected: *Provided,* that the operation of this act, so far as it respects the
river Savannah, shall be suspended until the legislature of the state of South Carolina
have passed an act similar in its provisions with this act; and if the said Samuel Howard
shall neglect or discontinue the operation of the said machine for a greater length of

Said exclusive
right to cease,
unless one
machine at
least be put
in active op-
eration within
three years.

To cease on
each stream
neglected, af-
ter ten years
Proviso.

(No. 352.) time, at any one time, than twelve months, that then the grant of the exclusive right
 Proviso. aforesaid shall be null and void : *Provided nevertheless*, that nothing herein contained shall be so construed as to extend to the said Samuel Howard the exclusive right of navigating the river Oconee, after the expiration of the patent right to John L. Sullivan, without paying such toll as may be imposed by any act of the legislature thereafter, upon boats of similar burthen.

Said Howard,
 &c. authorized
 to remove ob-
 structions in
 Savannah
 river.

SECT. 6. *And be it further enacted*, That it shall be lawful for said Samuel Howard, his heirs or assigns, and his or their associates, to remove from the channel of the river Savannah any logs, trees, snags, or other obstacles which may impede the safe navigation thereof, and to place the same upon the bank or shore adjacent thereto, or upon any other place in the river, whereby the safe navigation thereof may not be obstructed, and to place marks, buoys, stakes or posts, upon any other obstacles in the river which he or they may not think proper to remove.

Penalty on
 offenders for
 obstructing
 said river, &c.

SECT. 7. *And be it further enacted*, That if any person or persons shall carelessly, negligently or wilfully place, throw or put in said river, any obstacle to the safe navigation thereof, or shall carelessly, negligently or wilfully remove or destroy any mark, buoy, post or stake placed upon any obstacle in said river, such person or persons shall forfeit and pay a sum not exceeding one hundred dollars, to be recovered by a bill, plaint or indictment in any court of competent jurisdiction ; one half to the use of the prosecutor, the other half to the use of the state.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 353.)

To raise money for the purpose of opening and improving the navigation of the Oconee river, from the mouth of Fishing creek to Barnett's Shoals.

WHEREAS, it appears essential to the interest and convenience of the citizens of this state, residing on and near the waters of the Oconee river, that the navigation of said river be improved, by means of which the produce of those parts may be conveyed with more ease to market :

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the commissioners herein after named, to establish a lottery within three years from and after the passing of this act, to raise the sum of ten thousand dollars, under such schemes and regulations as they, or a majority of them, may deem necessary and proper, to carry into effect the above recited object. Oconee navigation lottery authorized.

SECT. 2. *And be it further enacted,* That Thomas Terrell, senr. Sterling Grimes, Jeremiah Early, Thomas Reid and John Bush, or a majority of them be, and they are hereby appointed commissioners to carry the aforesaid lottery into full effect. Commissioners of said lottery appointed.

SECT. 3. *And be it further enacted,* That the before mentioned commissioners, before entering on the duties assigned them in this act, shall give bond and security in the sum of twenty thousand dollars, to the Governor of this state, for the faithful performance of their duties. Who shall give bond and security.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

* See act of 1817, No. 362, third section. See also act of 1818, No. 365, to render navigable the aforesaid portion of said river; also, act of 1819, No. 370, amendatory of the act of 1818.

(No. 354.)

AN ACT

To authorize Shaler Hillyer, of the county of Wilkes, to build a mill-dam across Broad river, at the shoals called and known by the name of Muckle's Ferry Shoals, and for other purposes.

Shaler Hillyer authorized to build a mill-dam across Broad river.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Shaler Hillyer, his heirs or assigns be, and they are hereby authorized, to build a mill-dam across the said river, at the place aforesaid, and to keep the same in perpetual repair, under the restrictions and provisions herein after pointed out; any law or parts of laws heretofore passed to the contrary notwithstanding.

Height of said dam.

SECT. 2. *And be it further enacted,* That the said mill-dam shall be so constructed that it shall not, on the highest part thereof, exceed four feet in perpendicular height, above the common level of the river.

Shall be so constructed as to permit shad to ascend and descend said river.

SECT. 3. *And be it further enacted,* That there shall be at least twenty feet of said dam, immediately over and across the main channel or sluice of said river, so constructed that, during the shad season, or time of catching shad, it can be with ease lessened in height, so as to admit shad or other fish to ascend and descend without difficulty: *And provided also,* that the said Shaler Hillyer, his heirs or assigns, shall at all times keep the mill-race or canal leading to his mill, now built at or near the shoals aforesaid, fit and calculated for the safe navigation of boats of the size of those usually navigating between Petersburg and Augusta; which race or canal shall be so constructed as to admit such boats or other craft to ascend and descend out of and into the said river, above and below the ends of the said race or canal, without delay, whenever the waters in the said river will admit its navigation.

A race or canal navigable for boats, to be kept open at said mill-dam. Construction thereof.

A slope through said dam for the passage of fish to be maintained from the 1st of February to the 1st of May in each year.

SECT. 4. *And be it further enacted,* That the said Shaler Hillyer, his heirs or assigns, shall well and truly, so long as they or either of them shall keep said dam, maintain and keep in constant repair a necessary slope for the passage of fish through the said dam, in conformity with the provisions of the third section of this act, from the first day of February until the first day of May in each and every year.

Penalty for suffering any impediments to the passage of fish over said slope.

SECT. 5. *And be it further enacted,* That if the said Shaler Hillyer, his heirs or assigns, shall admit or suffer any impediment to the passage of fish over the slope in the said dam, so to be constructed as aforesaid, from the said first day of February, until

the said first day of May, they, or either of them, shall forfeit and pay the sum of (No. 354.) five hundred dollars; one half thereof to the complainant, and the other half to be applied to the improvement of the navigation of said river, to be recovered before any court in this state having competent jurisdiction thereof.

SECT. 6. *And be it further enacted*, That it shall not be lawful for any person or persons whatever, to fish for shad or other fish, with nets, gigs, or any other instrument or machine whatever, (other than the hook and line,) within two hundred yards either above or below the said dam, from the said first day of February, until the said first day of May.

Fishing at said dam regulated.

SECT. 7. *And be it further enacted*, That if any person or persons shall be convicted of fishing or attempting to fish, with any of the instruments, or within the distance or time herein before forbidden, and being thereof duly convicted, shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered before any court having competent jurisdiction thereof, one half to the complainant, and the other half to be applied to the improvement of the navigation of said river; except when the offender or offenders should be slaves, then, and in that case, he, she or they so offending, shall receive on his, her or their bare back, ten lashes; which punishment may be inflicted on due proof thereof before any one or more justices of the peace of this state; and the owner of such slave, or the person having charge or the management of such slave, shall, for every such offence committed by such slave, forfeit and pay the sum of twenty dollars, to be recovered and applied in the same manner as if such offence had been committed by a free white person: and if the person or persons so offending should be a free person of colour, then, and in that case, he, she or they shall receive on his, her or their bare back, thirty-nine lashes; which punishment shall be inflicted in the same manner, and under like restrictions as are by this act prescribed for inflicting punishment on slaves for the like offence.

Penalty for violating the sixth section of this act.

Punishment of a slave so offending.

Liability of the owner.

Free persons of colour so offending, how punished.

SECT. 8. *And be it further enacted*, That it shall be the duty of the said Shaler Hillyer, his heirs or assigns, to keep in constant repair the said race or canal, and a suitable lock therein, so long as said dam shall be kept up, so as to admit an easy and speedy navigation of boats through the said race or canal; and for every day any boat may be detained, by reason of said race or canal not being in proper repair for the navigation of boats as aforesaid, the said Shaler Hillyer, his heirs or assigns, shall forfeit and pay to the party aggrieved, one hundred dollars for every day such boats may be detained by reason thereof, to be recovered before any court having competent jurisdiction thereof, to be applied as aforesaid.

Said Hillyer required to keep the canal aforesaid in proper repair. Penalty.

(No. 354.) **SECT. 9.** *And be it further enacted,* That if the commissioners heretofore appointed by an act, entitled An act to keep open the main channel of Broad river, from the confluence of the same with Savannah river to the mouth of Hudson's river, in Franklin county, passed on the 13th December, 1809, together with the commissioners herein after to be named, or a majority of them, or a majority of any commissioners that may at any time hereafter be appointed, shall, at any time hereafter, on reviewing the said dam, be of opinion that the said dam obstructs the passage of fish, or that it is in any way detrimental thereto, the said Shaler Hillyer, his heirs, executors, administrators or assigns, or other person claiming under his or their authority, or other person having charge of the said premises, on being notified by the said commissioners, or a majority of them, shall immediately proceed to remove such part of said dam or other obstruction in the said shoal, as the commissioners aforesaid, or a majority of them, shall direct; and in case the said obstruction shall not be removed within five days after notice being given as aforesaid, the said Shaler Hillyer, his heirs, executors, administrators or assigns, or other person owning said premises, shall, for every twelve hours such obstruction now in the meaning of this act shall remain unremoved, forfeit and pay the sum of fifty dollars, and in proportion to that sum for a longer or shorter time, to be recovered before any court having competent jurisdiction thereof; one half thereof shall be paid to the informer, the other half to be applied to the improvement of the navigation of the said river.

Penalty on the said Hillyer, &c. for not obeying the requisitions of said commissioners.

The removal of obstructions further provided for.

SECT. 10. *And be it further enacted,* That in case the said dam, or other obstruction that may be placed in the said shoal, shall not be removed within the time prescribed by this act, it shall and may be lawful for the commissioners aforesaid, or a majority of them, and they are hereby required, to remove or cause the same to be removed, by calling to their aid any number of citizens as they may deem necessary for the purpose of removing the same; and in case any citizen, as aforesaid, who shall be called on, and who shall refuse to aid and assist in removing such dam or other obstruction, shall, for every such neglect or refusal, forfeit and pay the sum of ten dollars, to be recovered before any court having competent jurisdiction thereof; one half shall be applied to the improvement of the navigation of the said river, and the other half shall be paid to the commissioners aforesaid.

Further penalty for obstructing the shoals aforesaid.

SECT. 11. *And be it further enacted,* That when any of the aforesaid obstructions shall have been removed, and the said shoal shall thereafter be obstructed by any dam or dams, trap or traps, or any other obstruction, other than such as shall at all times be admitted of by the said commissioners, or a majority of them, the person or persons so offending shall forfeit and pay the sum of fifty dollars for every twelve hours such obstruction shall remain unremoved, and in proportion to that sum for a longer or shorter time, to be recovered before any court having competent jurisdiction thereof, one half to

be paid to the informer, and the other half to be applied to the improving of the navigation of said river. (No. 354.)

SECT. 12. *And be it further enacted*, That the commissioners which may at any time hereafter be appointed for the purposes contemplated by this act, shall be composed of persons residing above the aforesaid shoal, and a majority of the whole number shall reside in the counties of Madison and Franklin; and in case of the death, removal, refusal to serve of the whole, or any part of the said commissioners, the Inferior Court of the county where the same shall happen shall, on application of any one of said commissioners, proceed to appoint others in their place or stead, to act until the meeting of the next General Assembly thereafter, and until successors shall have been appointed by law.

Who shall be commissioners.

Vacancies, how filled.

SECT. 13. *And be it further enacted*, That one third of all other parts of said river, including the main current or channel thereof, from the confluence of the same with the Savannah river, to the mouth of Hudson's river in Franklin county, shall be kept clear of all kind of obstructions whatsoever; and any person who has heretofore obstructed the said current or main channel as aforesaid, or any person who may claim the benefits derived from such obstruction, and who shall not remove the same before the first day of March next, shall, for every twelve hours the same may remain unremoved thereafter, forfeit and pay the sum of fifty dollars, to be recovered before any court having competent jurisdiction thereof, one half to the informer, and the other half to be applied to the improvement of the navigation of said river; and the said commissioners shall have power and authority to remove any and all such obstructions, as is pointed out by this act for removing obstructions in the aforesaid shoal.

What portion of the river to be kept open.

Persons obstructing said river, how punished.

General power of said commissioners with regard to the removal of obstructions in said river.

SECT. 14. *And be it further enacted*, *That in case any person or persons shall, after the passage of this act, obstruct any part of the main current or channel, as aforesaid, he, she or they shall forfeit and pay the sum of fifty dollars for every twelve hours the same shall remain unremoved, to be recovered before any court having competent jurisdiction, one half to the informer, the other half to be applied to the improvement of the navigation of said river; and the said commissioners, or a majority of them, shall proceed to cause the same to be removed in the same manner as pointed out by this act for removing obstructions in said river.

Further penalties for obstructing said river.

* See act of 1819, No. 369, which extends the penalties of this section to persons who shall obstruct a part of said river, called Middle river, running between Coleman's and Anthony's mills.

(No. 354.) SECT. 15. *And be it further enacted*, That Philip Shackleford, John Wilhight, Isaac David, Andrew M^cIver and Archelus Moore, of the county of Madison; and Richard Bond, William Redwine and Joseph Bond, of the county of Franklin; and Charles Woodson Christian, of the county of Elbert, be, and they are hereby appointed commissioners* of said river, in addition to the commissioners appointed by an act, entitled An act to keep open the main channel of Broad river, from the confluence of the same with the Savannah river to the mouth of Hudson's river, in Franklin county, passed on the 13th day of December, 1809.

Additional
commissioners
appointed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 355.)

AN ACT

To appropriate money for the improvement of the navigation of the Savannah and Oconee rivers.

Preamble.

WHEREAS, the improvement of the inland navigation of every country is of the first importance to its inhabitants, in facilitating and extending commerce; and whereas, the clearing out and removing the obstructions in Savannah river, would greatly conduce to the convenience and interest of the inhabitants settled in the north and north-western parts of this state: And whereas, the state of South Carolina did, many years past, make an appropriation of ten thousand dollars for the purpose of improving the navigation of said river, whenever the state of Georgia should make a similar appropriation:

§10,000 ap-
propriated for
improving the
navigation of
Savannah ri-
ver and its
head waters.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of improving the navigation of the river Savannah, and the head

* See act of 1816, No. 357, appointing other commissioners in lieu of the foregoing.

waters of the said river, the sum of ten thousand dollars be, and the same is hereby (No. 355.) appropriated.*

SECT. 2. *And be it further enacted by the authority aforesaid,* That Andrew Irwin, Richard Gray, John Watkins, William Jones, and Dridzel Pace, senior, be, and they are hereby appointed commissioners, to join such commissioners who have been, or may hereafter be appointed by the state of South Carolina; which said commissioners, or a majority of them, shall form a board, to be designated by the name and style of a board of commissioners for improving the navigation of the said river.

Commissioners appointed to join those of South Carolina.

Their style.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said board of commissioners, or a majority of them, shall have power to appoint one of their own body, as treasurer, who shall be authorized to draw, from time to time, on his excellency the Governor, and receive from him such part or portion of said appropriation as may be deemed necessary by said board, or a majority of them; and the said treasurer, before he shall be authorized to draw on the Governor for any monies, shall give bond and good security in the sum of twenty thousand dollars, payable to his excellency and his successors in office, conditioned for the faithful application of the sum or sums of money received for the purpose aforesaid; and the said treasurer shall be, and he is hereby authorized to charge and retain one per cent. on all sums paid to persons employed in clearing out and improving the navigation of said river.

Said commissioners may appoint a treasurer, who may draw on the Governor for money.

Treasurer to give bond and security.

His fees.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Governor shall be, and he is hereby authorized to fill all vacancies that may happen in said board of commissioners, by death, resignation or otherwise.

Governor to fill vacancies in said board.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said commissioners shall make fair, just and regular returns, semi-annually, to his excellency the Governor, of all disbursements, and the progress in the improvement of the navigation of said river.

Commissioners to make semi-annual returns to the Governor of all disbursements, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall have power to employ a general superintendant or undertaker of said work, and agree with him on such terms as they may deem just and

Authorized to employ a general superintendant.

* This appropriation is rendered conditional by the 7th section of the act. Another conditional appropriation, for the same purpose, is made by an act of 1817, No. 362. But said appropriations are rendered unconditional by two acts of 1818, Nos. 363 and 366; the last of which divides said funds, removes the commissioners named in the 2d section of the present act, appoints others, and prescribes their powers.

(No. 355.) reasonable, and to require of him such security as may enforce a faithful discharge of his duty.

Said appropriation, when to be drawn.
See first note to this act.

SECT. 7. *And be it further enacted by the authority aforesaid,* That no part of the said appropriation of the ten thousand dollars shall be drawn for, or received from the treasury, until the commissioners are informed that the said appropriation of South Carolina is unrepealed. And the said commissioners are hereby authorized to open subscriptions at such places as they may think proper, for individual donations.

The work on said river to be commenced at Augusta.

SECT. 8. *And be it further enacted by the authority aforesaid,* That so soon as the said commissioners are ready to commence the improvement of the navigation of the said river, they shall commence at the city of Augusta, and proceed as high up said river and the head waters thereof, as the funds will permit.

\$10,000 dollars appropriated for clearing out the Oconee river.

Commissioners appointed. Their powers.

SECT. 9. *And be it further enacted by the authority aforesaid,* *That the sum of ten thousand dollars be, and is hereby appropriated for the purpose of clearing out the Oconee river; and that Zachariah Lamar, David Blackshear, Richard A. Blount, Jacob Robinson and James Alston be, and they are hereby appointed commissioners for that purpose; a majority of them shall have full power and authority to pursue such measures, under the direction of the Governor of this state, as he may deem most proper to accomplish the object of said appropriation.

Required to make semi-annual returns of disbursements, &c. to the Governor. May open subscriptions for donations.

SECT. 10. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to make a fair, just and regular return every six months, to his excellency the Governor, of all disbursements made by the commissioners, and of the progress made by them in clearing out the obstructions in the said river: And the said commissioners are authorized to open subscriptions at such places as they may think proper, for individual donations.

Repealing clause.

SECT. 11. *And be it further enacted by the authority aforesaid,* That all laws or parts of laws militating against this law be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

* See act of 1817, No. 362, appropriating monies for the improvement of internal navigation.

AN ACT*

(No. 356.)

To incorporate a Company for the improvement of the navigation of Broad river.

WHEREAS, to improve the navigation of a country has always been considered Preamble.
worthy of legislative attention: And whereas so desirable an object may be promoted
by incorporating companies:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That Nicholas M. Marks, Charles Mathews, Elisha Brewer, Thomas M. Barnett, Shaler Hillyer, William Barnett, Benjamin Taliaferro, Marshall Martin and James Oliver, be appointed commissioners for raising, by subscription, the sum of ten thousand dollars, divided into shares of ten dollars each, for the purpose of opening the navigation of Broad river; and the said commissioners are hereby required to give ten days notice, at the most public places on said river, of the time and places for opening said subscription, which shall be kept open twenty days, and shall be free for all persons whatever, to subscribe as many shares as they may think proper; and should it so happen, that at the end of twenty days, there should be a greater number of shares taken up than are permitted by this act, the commissioners shall immediately deduct from each subscription over five shares, such proportion as will leave the stock ten thousand dollars.

Commissioners appointed to raise by subscription \$10,000, for the purpose of improving the navigation of Broad river. Time, place, &c. of opening books of subscription, regulated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so soon as said subscription shall be filled, or as soon as twenty-five hundred dollars are subscribed for, after the expiration of the said twenty days, it shall be the duty of the commissioners to call a meeting of the subscribers, for the purpose of organizing said company, at which meeting there shall be chosen by ballot, from among the subscribers, five directors, who shall, from among themselves, choose a president, and shall also have power to appoint such other officers as may appear necessary; and in choosing directors, and on all other occasions, each person having one share shall have one vote; if over one share, and not over five, two votes; if over five, and not over ten, three votes; and for every five shares over ten, one vote.

Commissioners to call a meeting of the subscribers. Five directors and a president to be chosen. Votes apportioned.

* See act of 1817, No. 362, 3d section, by which \$5000 are appropriated for improving the navigation of Broad river, provided, that this company shall relinquish their toll on boats or produce carried up or down said river; see also act of 1819, No. 369, to keep open a certain part of said river called Middle river

(No. 356.) **SECT. 3.** *And be it further enacted by the authority aforesaid,* That so soon as the said directors shall have been elected, the said subscribers shall be, and they hereby are declared to be, a body corporate, in name and deed, by the name and style of the Broad river Navigation Company, and by the said name and style shall have perpetual succession of officers and members, and shall have power and authority to have, hold, enjoy and be invested with all manner of property, both real and personal, and by the said name and style shall have power of suing and being sued, impleading and being impleaded, and using all legal steps for recovering or defending any property whatever, which the said corporation may have, hold, claim or demand, and shall have power to make, alter, repeal, change, and amend such bye-laws and regulations as may be agreed on by a majority of votes in said company: *Provided,* that such bye-laws and regulations be not repugnant to the constitution and laws of this state or of the United States.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said company shall have power, and they hereby are authorized to remove all obstructions in said river, to build dams, cut canals, open sluices, and to do and perform all and every act which may appear necessary to promote the object of their association; and from and after the said company shall have been organized as aforesaid; it shall not be lawful for any person or persons to obstruct, or in any manner to impede the opening or clearing out of said river; and if, by throwing or felling trees therein, or by any other means whatever, any person shall wilfully impair the said navigation as aforesaid, he, she or they so offending, shall, upon conviction thereof, in any court having competent jurisdiction, forfeit and pay for every such offence, a sum not exceeding twenty-five dollars, one half to the use of the informer, the other half to the company: *Provided,* the building of any dam as aforesaid, shall not be so constructed as to obstruct the free passage of fish.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so soon as the said river shall have been cleared and sufficiently opened by said company to admit the passage of boats, from the foot of the shoals below Anthony's mills to the head of Watkins's mill-race, the said company shall have full power to levy, receive and collect a toll* on all articles carried up or down said river, so far as they have or shall clear and open the same, which shall not exceed twelve and a half cents for each and every hundred pounds of tobacco, cotton, flour, iron, steel, and all heavy articles; and for every cubic foot contained in all bales, trunks and boxes of dry goods, not exceeding six and one quarter cents; and on every kind of lumber, not exceeding twenty-five cents for one thousand feet; and also, to levy a toll in proportion to that distance from any other

* See the first note to this act.

place on said river, between the confluence of the same with Savannah, to the mouth of (No. 356.) Hudson's river.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said company shall keep a regular and correct account of all the expenses incurred in the opening said river, and the completing such works as shall be thought necessary for carrying into effect the objects of their association, to which account shall be added fifteen per cent. ; a schedule of said expenses, with the said addition of fifteen per cent., together with a complete description of the works, shall be deposited in the secretary of state's office, so soon as the same can be completed ; and the legislature hereby reserves to the future legislatures of this state, the power of annulling the charter now granted, by paying to the present subscribers or their successors, the amount as stated in said schedule, with the addition aforesaid, and eight per cent. interest a year, from the date of said schedule to the time of payment, which shall be exclusive of toll.

Said company to keep a regular account of all expenses, &c.

A schedule thereof, with a description of the works performed, to be deposited in the secretary of state's office.

Upon what terms this charter may be repealed by a future legislature.

be repealed by a future

SECT. 8. *And be it further enacted by the authority aforesaid,* That the act to incorporate a company for the improvement of the navigation of Broad river, passed the fifteenth day of December, 1810, be, and the same is hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 357.)

AN ACT

To alter and amend an act, entitled "An act to keep open the main channel of Broad river," passed on the 13th of December, 1809 ; also, "An act authorizing Shaler Hillyer to build a mill-dam across said river," passed 8th December, 1815, so far as respects the Commissioners therein named.

Preamble.

WHEREAS, it is found expedient to reduce the number of commissioners appointed by the before recited acts, as it is found extremely difficult to convene a majority of so large a number, by reason of which the objects contemplated by the said acts are not carried into effect :

Commissioners appointed in lieu of those mentioned in the recited acts.

A majority competent to act.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Isaac David, John Wilhight, Andrew McCiver, Charles W. Christian, Nicholas M. Marks, Richard Bond, William Redwine, Marshall Martin and Thomas Meriwether, be, and they are hereby appointed commissioners for the purposes contemplated by the before recited acts, in lieu of the commissioners therein named ; a majority of whom shall have and exercise all the power and authority in every respect, as was given, or contemplated to be given, to a majority of the commissioners appointed by the before recited acts, any law to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 358.)

To repeal An act to authorize John Martin Dasher to keep open and improve the navigation of Ebenezer Mill Creek, and to erect mills thereon, and to prevent persons from placing obstructions so as to impede the free use of navigation of the same.

WHEREAS, by a memorial presented to this legislature from a number of the inhabitants of Effingham county, land holders, and others, on the Ebenezer Mill creek, that the act to authorize John Martin Dasher to erect mills on the said creek has had the tendency to injure the navigation, and to lessen the value of the lands lying on the waters of the above creek :

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, that an act passed on the 1st day of December, 1801, to authorize John Martin Dasher to keep open and improve the navigation of Ebenezer Mill creek, and to erect mills thereon, as also an act to amend an act to authorize John Martin Dasher to keep open and improve the navigation of Ebenezer Mill creek, and to erect mills thereon, be, and the same is hereby repealed.

Repealing
section.

SECT. 2. *And be it further enacted, That after the passage of this act, that in case any person or persons shall obstruct, in any manner, any part of the main current or channel of the Ebenezer Mill creek, from its confluence with Abercorn creek to its source, in Savannah river, he, she or they shall forfeit and pay the sum of thirty dollars for every twelve hours the same shall remain unremoved, to be recovered before any court having jurisdiction thereof, one half to the informer, the other half to be applied to the improvement of the navigation of the said creek ; and the commissioners, or a majority of them hereafter to be appointed by this act, shall proceed to remove such obstructions in such manner as they may think proper.*

Penalty for obstructing the main channel of Ebenezer Mill creek.

SECT. 3. *And be it further enacted by the authority aforesaid, That any person or persons who has heretofore obstructed the main channel or current of the aforesaid creek, or any person who may claim the benefits derived from such obstruction, who shall not remove the same before the first day of February next, shall, for every twelve hours the same may remain unremoved thereafter, shall forfeit and pay the sum of fifty dollars, to be recovered before any court having competent jurisdiction, one half to the informer, the other half to be applied to the improvement of the navigation of the said creek ; and*

Persons who have heretofore obstructed the main channel, &c. who shall not remove said obstructions before the 1st day of February next, how punished.

(No. 358.) the commissioners herein after to be appointed shall have power to remove such obstructions in such manner as they may think proper.

Commissioners of Ebenezer Mill creek appointed.

SECT. 4. *And be it further enacted by the authority aforesaid, That David Gugel, John Waldharmson, Geo. Powlidge, Joel Keiffer and William Guyer be, and they are hereby appointed commissioners of the Ebenezer Mill creek, a majority of whom shall have full power and authority to carry into effect the intentions and meaning of this act.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 359.)

AN ACT

To amend an act, entitled "An act to keep open, remove and prevent obstructions in Savannah river, calculated to impede the free passage of fish, and for other purposes," passed the 10th day of December, 1812.

Commissioners appointed to examine Savannah river, from Augusta to the Indian line, and to cause obstructions calculated to impede the free passage of fish, to be removed.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Richard Gray, Joseph Chandler, Devereux Jarratt, William Cawthorn and Joseph Walters, are hereby appointed commissioners in the county of Franklin; that James Hatcher, John Moore and Enos Tait, junior, be, and they are hereby appointed commissioners for the county of Elbert; that William Smith, Shepherd Gross and Mark Anthony be, and they are hereby appointed commissioners for the county of Lincoln; that John Gray, Thomas M. White, John Beall, senr. Jeremiah Darby and Humphrey Evans be, and they are hereby appointed commissioners for the county of Columbia; and that George Pearson and James Primrose be, and they are hereby appointed commissioners for the county of Richmond; and that all of said commissioners, or any one or more of them, shall have full power and authority to proceed to examine and review said river, or any part thereof, from the city of Augusta to the Indian boundary line, and determine whether more than two-thirds of said river, including the main current or channel thereof, is not obstructed by fish traps or dams attached thereto, or other obstructions placed in said river, calculated to impede the free passage of fish; and in case the said main

channel or sluice, including two-thirds of said river, shall be so obstructed, it shall be the (No. 359.) duty of such commissioner or commissioners to remove, or cause to be removed, said obstructions, at the cost and damages of the party or parties so offending; to be recovered before any court having competent jurisdiction thereof, to be applied to the use of said commissioner or commissioners.

SECT. 2. *And be it further enacted,* That if any person or persons shall place or cause to be placed into said main channel or sluice, including one-third of the Savannah or the Tugalo rivers, any obstructions calculated to impede the free passage of fish, after the 15th day of February next, and before which time some one or more of the said commissioners shall make known to some one or more justices of the peace of the district adjoining such shoal or shoals, the main sluice thereof, he, she or they shall pay, upon conviction before any justice or justices of the peace, for the district opposite to, and adjoining the river where such offence may be committed, the sum of thirty dollars for every twenty-four hours that said obstructions may remain in said sluice or channel, to be recovered in the usual manner of justices' proceedings on sums under thirty dollars; one half to be paid to the informer or informers, and the other half to such commissioner as is now, or may hereafter be appointed, that is to say, to be paid to the commissioners of the county where such offence or offences may be committed, to be applied to their own proper use, for their services of laying out said main channel or sluice of said Savannah and Tugalo rivers.

Penalty for placing such obstructions in Savannah or Tugalo rivers.

Appropriation of the penalty.

SECT. 3. *And be it further enacted,* That when any vacancy or vacancies may happen by death, resignation, or removal out of the county, of any one or more of said commissioners, the justices of the Inferior Courts of the county where such vacancy shall happen, shall fill all such vacancies.

Vacancies of commissioners, how filled.

SECT. 4. *And be it further enacted,* That all laws and parts of laws that militate against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 360.)

AN ACT*

To appoint Commissioners for the improving the navigation of the Ocmulgee river, and for other purposes.

Preamble.

WHEREAS, the improvement of the inland navigation of every country is of primary importance to its inhabitants, and as few countries enjoy greater natural advantages than this state, for the extension of commerce; and it being conceived that the clearing out and removing obstructions from the mouth of the river Ocmulgee to Fort Hawkins on said river, would greatly conduce to the interest and convenience of the inhabitants settled to the south and south-western parts of this state:

A company, styled "Commissioners to improve the navigation of the Ocmulgee River," incorporated. Their corporate powers defined.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That a company shall be established by the name and style of "Commissioners to improve the navigation of the Ocmulgee river," and they and their successors shall be, and they are hereby created and made a body politic and corporate, and by that name and style are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, goods, chattels and effects of what kind, nature or quality soever, and the same to sell, alien, demise or dispose of; to sue and be sued, plead and be impleaded, answer and be answered in courts of record or other places; and also, to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and also to ordain, establish and put in execution such bye-laws, ordinances and regulations, as shall seem necessary for the improvement of the navigation of said river, by locks, dams, canals, or otherwise, as they, or a majority of them, hereafter appointed, or their successors, may deem necessary to carry that object into effect: *Provided*, such bye-laws, rules, regulations and ordinances are not repugnant to the constitution or the constitutional laws of this state.

Said commissioners nominated.

SECT. 2. *And be it further enacted,* That John Wilcox, James M. Taylor, William H. Gross, Lewis Calfrey and Philip Cook be, and they are hereby appointed commissioners for the purpose aforesaid; and are hereby constituted a body politic, with a corporate capacity, for the express purpose of carrying the provisions of this act into complete effect, and that they, or a majority of them, shall convene at such time and place as they may think proper for that purpose, and to meet upon their own adjournment.

May regulate their own meetings.

* See act of 1817, No. 362, which appropriates \$10,000 for improving the navigation of this river.

SECT. 3. *And be it further enacted,* That the said commissioners and their successors, (No. 360.) or a majority of them, are hereby authorized to receive any gift, donation or gratuity of, and from any person or persons, company or companies, body politic, corporate, or any appropriation that may be made by the state, to be appropriated to the clearing out and improving the navigation of the said river Ocmulgee. May receive any gift, donation, &c.

SECT. 4. *And be it further enacted,* That the said commissioners, or a majority of them, as soon as it may be convenient, shall proceed to give thirty days notice in the Georgia Journal, of the time and place, when and where books of subscription will be opened, for the reception of such subscriptions as may be made to the said commissioners for the aforesaid purposes. The opening of books of subscriptions regulated.

SECT. 5. *And be it further enacted,* That the said commissioners for the time being, shall have power and authority to appoint such officers and servants under them, as shall be necessary for the executing the business of the said corporation, and to allow them such compensation for their services respectively as shall be reasonable; and shall be capable of exercising such other power and authority for the well governing and ordering the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances of the same, and shall have power to fill all vacancies that may happen in their own body. Appointment of officers.
General power.
Vacancies.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 361.)

AN ACT

For the incorporation of the Steam Boat Company of Georgia.

Preamble.

WHEREAS, by an act of the General Assembly of this state, passed on the 18th day of November, 1814, certain privileges were granted to Samuel Howard of Savannah, and his associates: And whereas sundry persons have become the associates thus contemplated: to give complete effect to said act, and for other purposes,

Members of
the Steam
Boat Compa-
ny nominated
and incorpo-
rated.

Their style
and corporate
powers.

BE it enacted by the General Assembly of the state of Georgia, and it is hereby enacted by the authority of the same, That the following persons, viz. Albert Brux, William Cumming, John McKinne, Samuel Hale, Andrew Erwin, Henry Shultz, Benjamin Sims, Sheldon C. Dunning, William Scarborough, Jonathan Meigs, John Gurnin, Samuel Howard, Robert Isaac, Abraham Twiggs, Augustin Slaughter, Oliver Sturgess, William Hart, William Taylor, Charles Labuzan, Benjamin Burroughs, William Sims, Samuel P. P. Fay, Jared Groce, Elias Reid, Samuel Lark, Charles Howard, Basil Lamar, Barna McKinne, Joseph Grant, James Erwin, James G. O. Wilkinson, Thomas Tallmage, Walter Crenshaw, Augustus Brux and David McKinney, and their successors and assigns, be, and they are hereby created and made a corporation and body politic, by the name and style of "The President, Directors and Company of the Steam Boat Company of Georgia;" and by that name and style shall be, and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount not exceeding the capital of said corporation at the time of holding such property, and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record, or any place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution such bye-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation: *Provided nevertheless,* that such bye-laws, rules and regulations be not contrary to the constitution and laws of the state, or of the United States; and generally to do and execute all and singular such acts, matters and things, as to them may or shall appertain to do; subject, nevertheless, to the rules and limitations herein after prescribed.

Capital stock.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the capital stock of the above mentioned corporation shall be two hundred thousand dollars, but may be

increased to any sum not exceeding eight hundred thousand dollars, whenever it is (No. 361.) deemed expedient by a majority of the stockholders, holding two-thirds of the existing stock.

SECT. 3. *And be it further enacted by the authority aforesaid,* That to manage the affairs of said corporation, the stockholders shall annually, by a majority of votes, elect thirteen directors, who shall choose a president from their own body. All voting by the stockholders shall be according to the following scale, viz; one share shall give one vote; any number of shares, from two to five inclusive, shall give two votes; and every five shares above five, shall give one vote; but no share or shares shall confer the right of a vote or votes, unless transferred to the holder on the books of the corporation, at least three months previously to the time of voting.

Thirteen directors to be elected annually.

Votes apportioned.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the above mentioned corporation shall possess, for twenty years next following the date of this act, the exclusive privilege of navigating the rivers and other waters of this state, with boats or vessels propelled by steam, whether employed alone, or for the purpose of warping, towing, or in any manner impelling other boats and vessels, rafts, floats or arks. And if any person or persons, other than said corporation, shall, during said term of twenty years, navigate or cause to be navigated, any river or water of this state with a boat or boats, vessel or vessels propelled by steam, either employed alone, or for the purpose of towing, warping, or in any manner impelling other boat or boats, vessel or vessels, raft or rafts, float or floats, ark or arks, such person or persons so offending, shall forfeit every boat or vessel thus employed, steam boat or other, together with the machinery thereof, and shall also forfeit and pay for every such offence the sum of one thousand dollars; and said double forfeiture shall be recovered by the process of law in such cases, in any court having competent jurisdiction; and when recovered, shall go in equal portions to the state and to the prosecutor.

Said company invested with the exclusive privilege of navigating the waters of this state with steam boats or vessels for twenty years. Persons violating said privilege, liable to certain penalties.

SECT. 5. *And be it further enacted by the authority aforesaid,* That said corporation shall forfeit its right to the exclusive navigation above mentioned, of each and every river in which it shall not have at least one steam boat in operation within seven years from the date of this act; and provided also, that even after the expiration of said seven years, said corporation shall forfeit its exclusive right above mentioned, to the navigation of each and every river, on which, for twelve months together, it shall employ no steam boat.

What shall occasion a forfeiture of said right on any river.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said corporation shall be liable for all losses caused by fire and steam, if occasioned by their

Said company, when liable for losses.

(No. 361.) own negligence or that of their agents or servants, but not otherwise: *Provided*, that the law governing carriers, now in force, shall be in no wise innovated by this section.

May insure property shipped in their boats against risks for which they are not legally liable.

May have exclusive wharfs.

Duration of this act.

Said company to enjoy all the rights, &c. which were granted to Samuel Howard, by the act mentioned in the preamble.

Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the said corporation shall be authorized to insure all property shipped in their boats against risks for which they are not legally liable; and shall also be authorized to enjoy the exclusive use of its own wharf or wharves; but it shall not hold any other than may be necessary for the convenient transaction of its own business.

SECT. 8. *And be it further enacted by the authority aforesaid*, That this act shall continue in force for twenty years from its date; but nothing herein contained shall divest said corporation of any benefit which might be enjoyed by the said Samuel Howard, under the act, entitled, "An act to encourage an improved mode of transporting merchandize upon the waters of the state of Georgia," passed on the 18th day of November, 1814;—on the contrary, the said corporation shall enjoy all rights, privileges and exemptions, granted to said Samuel Howard, by said act, in as full and complete a manner as if the same were granted directly to said corporation, with power and capacity of suing and being sued under the said act in any court of law or equity: *Provided nevertheless*, that nothing herein contained shall be so construed as to authorize the aforesaid company to issue any bills, commonly called bank bills or bills of credit.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 362.)

To appropriate money for the improvement of the Internal Navigation of the state of Georgia.

WHEREAS, it is the duty of the legislature, acting on the behalf, and with the resources, of the people of this state, to devise and execute schemes of internal improvement for their welfare: And whereas, this state is penetrated by several copious and extensive rivers, the improvement of whose navigation would greatly benefit the people, and heighten the prosperity of this state:

Preamble.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums shall be, and they are hereby appropriated, for the improvement of the navigation of the several water-courses herein after named, viz: The sum of ten thousand dollars for the improvement of the navigation of the Ocmulgee; the sum of ten thousand dollars for the improvement of the navigation of the Oconee; the sum of five thousand dollars for the improvement of the navigation of the Altamaha; and that Littleton Wyche, John P. Blackman, Jacob Wood, John Burnett and Scott Cray, esquires, be, and they are hereby appointed commissioners on the river Altamaha. The sum of three thousand dollars for the improvement of the navigation of the Ogeechee, below the mouth of ———; the sum of three thousand dollars for the improvement of the navigation of Bryer creek;† the sum of twenty‡ thousand dollars for improving the navigation of Savannah and Tugalo rivers: Provided, the state of South Carolina have appropriated, or shall appropriate the same amount, from Augusta to the mouth of Panther creek, on said Tugalo river.*

Appropriations for improving the navigation of this state.

\$10,000 for the Ocmulgee river.

\$10,000 for the Oconee river.

\$5000 for the Altamaha.

Commissioners for the river Altamaha appointed.

\$3000 for the Ogeechee.

\$3000 for Bryer creek.

\$20,000 for Savannah and Tugalo rivers.

Proviso.

Commissioners for Tugalo appointed.

An additional commissioner appointed for Savannah, &c.

\$5000 appropriated for Savannah river.

SECT. 2. *And be it further enacted, That James R. Wiley and Joseph Chandler be, and they are hereby appointed commissioners for the river Tugalo; and that James R. Wiley be added to the board of commissioners appointed by an act, entitled "An act to appropriate money for the improvement of the navigation of the Savannah and Oconee rivers," passed the 8th day of December, 1815; and the further sum of five thousand dollars, to be applied to the improvement of said river from Augusta to Savannah.*

* See act of 1816, No. 360, appointing commissioners for said river.

† See act of 1818, No. 364, making an appropriation and appointing commissioners for said creek.

‡ See acts of 1818, numbers 363 and 366, which render this appropriation unconditional and independent, &c. &c.

(No. 362.)
 \$5000 for
 Broad river.
 Commission-
 ers for said
 river appoint-
 ed.
 Proviso.

\$5000 for im-
 proving the
 navigation of
 the Oconee
 from the
 mouth of Fish-
 ing creek to
 the highest
 point of navi-
 gation.
 Proviso.
 Commission-
 ers of said ri-
 ver appointed.
 Said sums,
 how drawn
 and applied.

SECT. 3. *And be it further enacted*, That the sum of five thousand dollars be appropriated for Broad river, from the mouth of said river up, as far as this appropriation will enable the commissioners to proceed; and that Allen Daniel, Charles W. Christian, Thomas Meriwether, Benjamin Taliafero, Benton Walton and Thomas Barnett be, and they are hereby appointed commissioners of said river: *Provided*, that his excellency the Governor shall not draw a warrant for said amount, until he has received a relinquishment from the incorporation of said river, to any toll or tax on boats or produce which may pass up or down said river; and that the sum of five thousand dollars be appropriated for the improvement of the navigation of the Oconee river, from the mouth of Fishing creek up to the highest point of navigation: * *Provided*, the Oconee Navigation Company do relinquish their charter, with the nett proceeds of the lottery; upon the relinquishment of which, his excellency the Governor is authorized to draw a warrant on the treasury for said amount, and that Thomas Reid, Joseph Cooper, Nicholas Lewis, Mathews Wells and Thomas W. Baxter be, and they are hereby appointed commissioners of said river; which said several sums shall be drawn from the treasury by the commissioners appointed, or which may hereafter be appointed, for each river, and by them applied in such manner as they may deem most expedient, for the purpose of carrying this law into effect; and that they be bound to make annual reports to the legislature of this state.

\$250,000 set
 apart as a per-
 manent fund
 for the im-
 provement of
 internal navi-
 gation;
 To be vested
 in stock.
 Proviso.

SECT. 4. *And be it further enacted*, That the sum of two hundred and fifty thousand dollars shall be, and the same is hereby set apart and appropriated as a permanent fund for the improvement of the internal navigation of this state, and shall, by the Governor, be vested, as soon as practicable, in bank, or other profitable stock: † *Provided*, that nothing herein contained shall be so construed as to prevent any future legislature from repealing this act, or any part of it, and making any disposition of the fund set apart by this law, which they may deem expedient.

Interest of
 said stock,
 how applied.

SECT. 5. *And be it further enacted*, That the interest or dividends of the above mentioned permanent fund, and no other part thereof, shall be annually applied to the improvement of the internal navigation of the state, in such manner as the legislature may by law hereafter direct.

Governor au-
 thorized to ap-
 point some
 person to ex-
 amine the ri-
 vers herein
 mentioned,
 between cer-
 tain points,
 who shall re-
 port to the

SECT. 6. *And be it further enacted*, That his excellency the Governor be, and he is hereby authorized and requested, to appoint some person of known talents and practi-

* See act of 1818, No. 365, to render navigable that part of the Oconee river, between the mouth of Fishing creek, in Baldwin county, and Hudson's ford in Clark county.

† See act of 1819, No. 57, which authorizes the investment of a part of said fund in Darien bank stock.

cal knowledge, to examine Savannah river from the city of Savannah to Augusta, from (No. 362.) Augusta to Petersburg, and from Petersburg to the head of boatable water on the Tugalo; the Altamaha, from its mouth to the junction of the Oconee and Ocmulgee; the Oconee, from said point to Milledgeville, and from the last place to the head of boatable water on said river; and the Ocmulgee, from its junction with the Oconee to the head of boatable water, and also the other rivers herein mentioned; and that the said person report as speedily as possible to his excellency the Governor, the practicability of improving the navigation of said rivers between the said several places, the expense thereof, and the best mode by which the object can be effected; and that he pay the expense attending the same, out of the contingent fund.

Governor the
practicability
of improving
the navigation
thereof, &c.
&c.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT*

(No. 363.)

To repeal so much of the first section of an act, entitled An act, passed the 19th December, 1817, entitled "An act to appropriate money for the improvement of the internal navigation of the state of Georgia," as makes the appropriation of money for the improvement of the navigation of Savannah and Tugalo rivers, from Augusta to the mouth of Panther creek, conditional; and to make said appropriation independent.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in Général Assembly met, and it is hereby enacted by the authority of the same, That so much of an act passed the 19th December, 1817, entitled An act to appropriate money for the improvement of the internal navigation of the state of Georgia, as makes the appropriation of the sum of twenty thousand dollars for the improvement of the navi-

Repealing
clause.

* See act of 1818, No. 366.

(No. 363.) gation of the Savannah and Tugalo rivers, from the city of Augusta to the mouth of Panther creek, on said Tugalo river, dependent on a similar and equal appropriation to be made by the state of South Carolina, for the same purpose, be, and the same is hereby repealed.

The appropri-
ation in the
recited act
made uncon-
ditional, &c.

SECT. 2. *And be it further enacted,* That the aforesaid appropriation of twenty thousand dollars, made for the improvement of the navigation of the Savannah and Tugalo rivers, from the city of Augusta to the mouth of Panther creek, on said Tugalo river, be, and the same is hereby confirmed and made unconditional and independent, subject to the same order, rules and restrictions that appropriations for the improvement of the navigation of the several other streams in this state are, by the before recited act, made subject, any thing in said act contained to the contrary notwithstanding.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 364.)

AN ACT

To appropriate money for the improvement of the navigation of Bryer creek, and to appoint commissioners for the same.

Preamble.

WHEREAS, the improvement of the inland navigation of every country is of the first importance to its inhabitants in facilitating and extending commerce; and whereas, it has been represented to this body, that Bryer creek is a stream susceptible of great improvement, at a small expense, when compared to the inconceivable advantage of a great many of the citizens of this state, residing on and in the vicinity of said creek;

\$5000 appropri-
ated for im-
proving the
navigation of
Bryer creek.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That for the purpose of improving of the navigation of said stream, the sum of five thousand dollars be, and the same is hereby appropriated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That John Whitehead, (No. 364.) senr., Alexander Carter, Samuel Sturges, Peter Lequieux and Floyd Crockett be, and they are hereby appointed commissioners, which said commissioners, or a majority of them, shall form a board, to be designated by the name and style of a board of commissioners for improving the navigation of said creek. Commissioners appointed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said board of commissioners, or a majority of them, shall have power to appoint one of their own body as treasurer, who shall be authorized to draw from time to time on his excellency the Governor, and receive from him such part or portion of said appropriation as may be deemed necessary by said board, or a majority of them; and the said treasurer, before he shall be authorized to draw on the Governor for any monies, shall give bond and good security, in the sum of ten thousand dollars, payable to his excellency and his successors in office, conditioned for the faithful application of the sum or sums of money received for the purpose aforesaid. May appoint a treasurer out of their own body, who may draw on the Governor for money, and who shall give bond and security.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Governor shall be, and he is hereby authorized to fill all vacancies that may happen by death, resignation or otherwise, in said board of commissioners. Vacancies in said board to be filled by the Governor.

SECT. 5. *And be it further enacted,* That the said commissioners, or a majority of them, have power to employ a general superintendant or undertaker of said works, and agree with him on such terms as they may deem just and reasonable, and to require of him such security as may enforce a faithful discharge of his duty. Said commissioners to employ a superintendant.

SECT. 6. *And be it further enacted,* That the aforesaid commissioners, or a majority of them be, and they are hereby authorized to dispose of all monies herein appropriated, together with all sums which may be raised by individual subscriptions, in such way and manner as to them may appear best calculated to promote the above contemplated work; and that the said commissioners shall make fair, just and regular returns, semi-annually, to his excellency the Governor, of all disbursements, and the progress in the improvement of the navigation of said creek. Authorized to dispose of the monies herein appropriated, &c. for the purpose aforesaid. Shall make semi-annual returns to the Governor of all disbursements, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this law be, and the same are hereby repealed. Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 365.)

AN ACT*

To render navigable that part of the Oconee river, situated between the mouth of Fishing creek, in Baldwin county, and Hudson's Ford, at or near Barnett's Shoals, in the county of Clark.

Thomas S. Reid and Thomas Terrell authorized to open the Oconee river, from the mouth of Fishing creek to Carter's mills.

The commissioners (named in this act) shall determine when said work is duly executed, and shall report thereon to the Governor. Compensation for improving

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Thomas S. Reid and Thomas Terrell be, and they are hereby authorized, to commence the improvement of the navigation of the Oconee river, from the mouth of Fishing creek, just below Milledgeville, and progress with the improvement of the navigation of said river, to Carter's mills on said river; and whenever the commissioners on the part of the state hereafter named shall decide, that said first division of said river shall be in a complete navigable condition for boats, and shall be cleared out and improved in the manner appointed by this act, then, and in that case, the said commissioners shall be authorized to certify and report the same to his excellency the Governor; and on the report of said commissioners, the Governor is authorized to issue his warrant on the treasurer for the sum of six thousand dollars, as a compensation for the improvement of the navigation of said river to that place.

said first division of the river.

Said river divided into 14 divisions.

The 2d division.

Third division.

Fourth.

Fifth.

Sixth.

Seventh.

Eighth.

Ninth.

Tenth.

Eleventh.

Twelfth.

SECT. 2. *And be it further enacted, That the navigation of said river shall be divided into fourteen divisions, including the division herein before described, and that the second division shall be understood to be embraced between said Carter's mills, and the lower end of the shoals on said river, which are called the Cedar Shoals; the third division to be embraced and comprised between said last mentioned shoals to the mouth of Little river; the fourth division, between the mouth of Little river and Marshall's mills, on said Oconee river; the fifth division, between Marshall's mills and Graybill's mills; the sixth division, between the last mentioned mills and Cooper's mills; the seventh division, between the last mentioned mills to the lower point of the island at the Yazoo fishery; the eighth, between the said fishery and the lower end of Parker's shoals; the ninth, between the last mentioned shoals and the lower end of the Long shoals; the tenth, between the last mentioned shoals to Hill's shoals; the eleventh, between said last mentioned shoals and Reid's mills; the twelfth, between said last men-*

* See act of 1819, No. 370, amendatory of this act.

tioned mills and the mouth of the Apalachee river; the thirteenth, between the mouth (No. 365.) of the said Apalachee river and Ligon's mills; and the fourteenth and last division, Thirteenth. between said Ligon's mills to Hudson's ford, on the said Oconee river, in the county Fourteenth. of Clark.

SECT. 3. *And be it further enacted,* That whenever the said undertakers shall complete the navigation of said river, in the way and manner pointed out hereafter, division by division, in the order prescribed in the second section of this act, and shall, after the inspection of the same, by the commissioners hereafter named on behalf of the state, obtain a certificate or report, specifying that said division or divisions have been completed in the order aforesaid, and in manner hereafter pointed out, then, and in that case, the Governor shall be, and he is hereby authorized to grant to said Thomas S. Reid and Thomas Terrell, their heirs, executors, &c. his warrant on the treasurer for the amount or amounts herein after specified, for each and every division of said river thus completed and rendered navigable, in compliance with such division in the order before specified.

When the said Reid and Terrell shall have completed said divisions in the order and manner required by this act, and shall have obtained a certificate from the commissioners to that effect, the Governor shall draw his warrants in their favour, division, &c.

for each

SECT. 4. *And be it further enacted,* That the said Thomas S. Reid and Thomas Terrell shall be, and they are hereby allowed the several sums hereafter named, for the completion of the navigation of each division of said river in the order aforesaid, and on the terms aforesaid, to wit: for the second division the sum of six thousand dollars; the third division, the sum of six thousand dollars; the fourth division, the sum of six thousand dollars; the fifth division, the sum of two thousand dollars; the sixth division, the sum of five thousand dollars; the seventh division, the sum of four thousand dollars; the eighth division, the sum of seven thousand dollars; the ninth division, the sum of two thousand five hundred dollars; the tenth division, the sum of three thousand five hundred dollars; the eleventh division, the sum of three thousand dollars; the twelfth division, the sum of two thousand dollars; the thirteenth division, the sum of four thousand dollars; and the fourteenth division, the sum of three thousand dollars.

Compensation for the 2d division, \$6000. For the 3d & 4th, \$6000 each. For the 5th, \$2000. For the 6th, \$5000. For the 7th, \$4000. For the 8th, \$7000. 9th, \$2500. 10th, \$3500. 11th, \$3000. 12th, \$2000. 13th, \$4000. 14th, \$3000.

SECT. 5. *And be it further enacted,* That it shall be the duty of the said Thomas S. Reid and Thomas Terrell, their heirs, executors, &c. before they shall receive the compensation heretofore pointed out for the improvement of the navigation of the said river, by the divisions heretofore pointed out in the order prescribed, commencing with said first division, to render the said navigation complete, by clearing out said river, removing all obstructions, either of wood, rocks, or other impediments to navigation, for the width of fourteen feet, in the main sluice of said Oconee river, and at least twenty-one inches in depth at common low water mark, from the commencement of said first division to the

Duty of said undertakers with regard to clearing out said river, &c.

(No. 365.) completion of the same in the order aforesaid, whether the said obstructions in said river be natural or artificial; and wherever falls or shoals shall occur in said river, so as to make it necessary to erect locks, it shall be the duty of the said Thomas S. Reid and Thomas Terrell, their heirs, executors, &c. to establish the same, so as to render navigation with boats practicable at common low water mark.

Owners of
mills required
to erect locks
at the same.

SECT. 6. *And be it further enacted,* That it shall be the duty of the present owners of the mills aforesaid, on said Oconee river, and all those who may be the future owners of the same, or who may hereafter erect mills on said river, to cause good and substantial locks to be erected at their said mills, so as to make the same permanent, and to allow of safe and easy navigation around their said mill-dams, which said locks shall be, by the owners of said mills, established and erected at and by the time the commissioners hereafter named shall certify that the navigation of said river is complete, according to the contract of the undertakers, to their said mill or mills; and in case of the failure of the owner of said mill or mills, to erect and establish locks as before pointed out, the said undertakers shall have the power to pull down and destroy said mill-dam or dams, so as to make the said river passable and navigable for boats, in the manner pointed out by this act.

Commission-
ers on the
part of the
state.

SECT. 7. *And be it further enacted,* That Joseph Cooper, John Howard, Farish Carter, William Hill and John H. Lowe be, and they are hereby appointed commissioners, for and in behalf of the state, for the purposes specified in the before recited sections.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 366.)

To divide the funds set apart by the several laws of this state, appropriating money for the improvement of the navigation of Savannah river, from the City of Augusta to its head waters ; to remove the commissioners now in office, and make said appropriations unconditional and independent.

WHEREAS, the improvement of the navigation of Savannah river is, at this time, Preamble.
of primary importance, and would conduce to the convenience and interest of the inhabitants settled on the north and north-western parts of this state :

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the several appropriations made by law heretofore passed, for the improvement of the navigation of Savannah river, be held and considered as unconditional and independent, and not depending upon any appropriation made by South Carolina.

The appropriations heretofore made for improving the navigation of Savannah river shall be unconditional.

SECT. 2. *And be it further enacted, That so much of an act passed 16th December, 1815, appropriating money for the improvement of the navigation of Savannah river, so far as relates to the appointment of commissioners for said river, in said act named, and any other person now acting as commissioner by executive appointment, be, and the same is hereby repealed.*

Repealing clause.

SECT. 3. *And be it further enacted, That the thirty thousand dollars heretofore appropriated for the improvement of the navigation of Savannah river, from the city of Augusta to the mouth of Panther creek, be divided in the following manner, to wit: The sum of fifteen thousand dollars from the city of Augusta to the town of Petersburg ; and the sum of eight thousand dollars, from the said town of Petersburg to the village of Andersonville ; and the sum of seven thousand dollars from the said village of Andersonville to the mouth of Panther creek on Tugalo river.*

The appropriation of \$30,000 heretofore made, divided.

SECT. 4. *And be it further enacted, That Thomas Murray, Ezekiel Dubose, Peter Lamar, William Cumming, Henry Shultz, Archer Avery and Marshall Keith be, and they are hereby appointed commissioners of said river, from the city of Augusta to the town of Petersburg ; and that Beverly Allen, Samuel McGehee, Zachariah Bowman, Singleton W. Allen, James Prothro and Samuel Rembert, be appointed commissioners*

Commissioners of said river appointed.

(No. 366.) of that part of said river from the town of Petersburg to the village of Andersonville ; and that James R. Wiley, Richard D. Gray, Joseph Walters, Benjamin Sloan and Robert Burton, be appointed commissioners from the said village of Andersonville to the mouth of Panther creek on Tugalo river; which said commissioners of said several divisions of said river, shall form a separate board for the improvement of the said several divisions of said river, under their management; and they, or a majority of them, shall have power to appoint one of their own body as treasurer, who shall be authorized to draw, from time to time, on his excellency the Governor, and receive from him any part of said appropriation as may be deemed necessary by said board of commissioners, or a majority of them; and the said several treasurers, before they draw on the Governor for any monies, shall give bond and good security, in the sum of twenty thousand dollars each, payable to his excellency the Governor and his successors in office, conditioned for the faithful application of the sum or sums of money, received for the purposes aforesaid.

May appoint one of their own body a treasurer, who shall be authorized to draw on the Governor for monies, and shall give bond and security.

Commissioners shall make a semiannual report to the Governor, of all disbursements, &c. and of their progress.
May receive subscriptions.

SECT. 5. *And be it further enacted*, That it shall be the duty of the commissioners, and all others hereafter appointed, to make a fair and regular return to the Governor, semiannually, of all disbursements of money drawn in conformity to this act, together with the state of improvement of that part of the river under their management.

SECT. 6. *And be it further enacted*, That the said commissioners are authorized to receive such sums of money as may have been subscribed for by individuals, or may hereafter be subscribed towards the improvement of the navigation of said river, and divide the same in proportion as the thirty thousand dollars have been appropriated.

Commissioners on the part of South Carolina may associate with them.
Proviso.

SECT. 7. *And be it further enacted*, That nothing in this act shall be so construed as to prevent the commissioners appointed on the part of South Carolina, from associating with the commissioners on the part of this state, in arrangements to improve the navigation of Savannah river: *Provided*, South Carolina have or may appropriate money for the purposes aforesaid; and such appropriation is, by said commissioners, placed with the appropriation of this state, and applied to the purposes aforesaid.

The Governor required to procure a return of the \$5000 advanced to the treasurer of the former board, &c.

SECT. 8. *And be it further enacted*, That the Governor is hereby authorized and required to use such measures as is best calculated to insure a speedy return of the five thousand dollars advanced to the treasurer of the board of commissioners in said before recited act mentioned, and applied to the purposes aforesaid.

SECT. 9. *And be it further enacted by the authority aforesaid,* That all laws and parts (No. 366.) of laws, militating against this act, be repealed.

Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 367.)

To incorporate "The Savannah Steam Ship Company."

WHEREAS, William Scarborough, A. B. Fannin, J. P. McKinne, Samuel Howard, Preamble.
Charles Howard, John Haslett, Moses Rodgers, A. S. Bullock, John Bogue, Andrew
Low & Co., Robert Isaacs, J. Minis, S. C. Dunning, J. P. Henry, John Speakman, Ro-
bert Mitchell, R. & J. Habersham, James S. Bullock, Gideon Pott, W. S. Gillett and
Samuel Yates have, by their petition, represented, that, with the view of making a lau-
dable and meritorious experiment, they have formed themselves into an association,
under the style and name of The Savannah Steam Ship Company, to attach, either as
auxiliary or principal, the propulsion of steam to sea vessels, for the purpose of navi-
gating the Atlantic and other oceans, and that they have provided a ship for that purpose,
which is now in a sufficient state of forwardness to afford sanguine expectations of the
experiment being tested in the course of a short period; and in order to ensure and
establish their said institution in a permanent and effectual manner, so that the attain-
ment of their object may be more facilitated, have prayed the legislature to grant them
an act of incorporation:

*BE it therefore enacted by the Senate and House of Representatives of the state of
Georgia, in General Assembly met, and by the authority of the same,* That the several
persons herein before named, and others who are, or may become members of the asso-
ciation before mentioned respectively, the officers and members thereof, and their suc-
cessors, shall be, and they are hereby declared to be, a body corporate in name and in
deed, by the style and denomination of "The Savannah Steam Ship Company," and
by the said name and style, shall have perpetual succession of officers and members,

The Savannah
Steam Ship
Company in-
corporated.

Shall have
perpetual suc-

(No. 367.) and a common seal to use; and shall have full power to make, alter, amend and change
 cession, and a such bye-laws as may be agreed upon by the members of the same: *Provided*, such
 common seal. bye-laws be not repugnant to the laws and constitution of this state or of the United
 May make States.
 bye-laws.
 Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That they shall have
 full power and authority, under the style and name of "The President of the Savannah
 May sue, &c. Steam Ship Company," to sue for and recover all such sum or sums of money as now
 are, or may become due to the said association, by any name or style whatever, at any
 court of law, or at any tribunal having jurisdiction thereof, and the rights and privileges
 May take and of the said association in any court, or at any tribunal to defend; and also to receive,
 apply be- take and apply bequests or donations, as may be made to and for the uses and purposes
 quests, &c. intended by the said association; and shall be, and are hereby declared to be, vested with
 all the powers and advantages, privileges and emoluments of an association or society
 of people, incorporated for the purposes and intentions of their said institution.

SECT. 3. *And be it further enacted*, That this act shall be, and is hereby declared
 This act deem- to be, deemed and considered a public act, to all intents and purposes whatsoever.
 ed a public
 one.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 368.)

To incorporate the Savannah River Navigation Company.

WHEREAS, it is desirable to effect a cheaper, safer, and more regular conveyance of produce and merchandize on the Savannah river, to and from the cities of Savannah and Augusta, so that immoderate charges on the transportation of property may be prevented, as well as to guard against the dangers and evils springing from extensive monopolies, by means of which, capital and business are engrossed by a few, and regular trade and fair competition are destroyed; and whereas, John Cumming, John Cormick and L. C. Cantelow, commissioners of the said company, have petitioned the legislature that they, the said commissioners, and others, the stockholders of the said company, may be incorporated under the name of The Savannah river Navigation Company:

Preamble.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the said John Cumming, John Cormick and L. C. Cantelow, commissioners, with all such persons as are, or may become hereafter, members of the said company, be, and they are hereby incorporated and made a body politic, by the name and style of the Savannah river Navigation Company, and by that name shall be, and are hereby made able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew, at their pleasure; and also to ordain, establish and put in execution, such bye-laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to the constitution or laws of this state or of the United States, or repugnant to the fundamental rules of this corporation, and generally to do and execute all and singular such acts, matters and things, which to them it shall or may appertain to do.

The Savannah river Navigation Company incorporated.

Their corporate powers.

SECT. 2. And be it further enacted by the authority aforesaid, That the capital stock of the said company shall consist of six hundred thousand dollars; and all future payments on shares shall be made in such instalments as the directors (nine members concurring) may determine, giving two months notice, by advertisement in one or more newspapers in Savannah and Augusta, previous to the period at which such instalments are required to be paid; and a failure to make payments punctually of any of the said

Their capital stock.

Payments on shares regulated.

Forfeitures in case of non-payments.

(No. 368.) instalments on any share or shares, shall incur a forfeiture thereon, to the use of the company, of all dividend on such share or shares, until payment of such instalment or instalments shall be made; and such share or shares, upon which default of payment is made, shall be held by the president to and for the use of the company, until the payment of the instalment or instalments so due as aforesaid; but the said forfeiture shall in no wise impugn the right of the president and directors to sue for and recover the balance of the subscription so remaining unpaid from such delinquent stockholders.

The President and Directors, before the transaction of any insurance business, shall require security for the payment of future instalments. Forfeiture for not giving security.

And before effecting any business as an insurance company, the president and directors shall require good and sufficient security for the payment of all future instalments upon the stock; and upon failure to give such security, the person or persons failing, shall forfeit to and for the use of the company, all dividends to which he, she or they may be entitled, and such share or shares shall be held by the president for the use of the company, until bond and security shall be given as aforesaid.

Duration of the company.

In what way they may dissolve the same.

Proviso.

SECT. 3. *And be it further enacted*, That the company shall be and continue for the term of twenty-one years from and after the passage of this act; but the proprietors of two-thirds of the capital stock of the company may, by their concurring votes, at a general meeting, called for that express purpose, dissolve the same, at any prior period: *Provided*, that notice of such meeting and its objects be published in one or more of the Augusta and Savannah newspapers, once a week, for six months previous thereto.

Shall hold no real estate beyond what may be necessary for its business.

SECT. 4. *And be it further enacted*, That the company shall not purchase or hold any lands, tenements, or other real estates, other than what may be necessary for the convenient transaction of its business.

May effect insurances.

SECT. 5. *And be it further enacted*, That the said company may insure the safe delivery of any produce, goods, wares, merchandize, shipped in their boats, against all occurrences for which they are not regularly liable by law.

Original articles of association to continue in force until altered.

Exception. Proviso.

SECT. 7. *And be it further enacted*, That the articles of association heretofore made, shall be and continue in force, until altered by the president and directors (nine members concurring), except so much as relates to the transfer of stock in the company, and the officers heretofore elected shall continue in office until a charter is obtained: *Provided*, that the General Assembly may rescind the privileges herein granted, whenever

it shall appear to them that they have been abused, or that they operate to the manifest (No. 368.) injury of the common weal.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 369.)

To keep open that part of Broad River, commonly called the Middle River, running between Coleman and Anthony's Mills.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of Broad river, commonly called the Middle river, running between Coleman and Anthony's mills, shall, before and after its junction with either of the rivers on which the said mills are erected, be, and is hereby declared to be, a free passage for fish, boats or rafts; and to be clear of all and every obstruction whatever, to the final junction of all its parts with the main river aforesaid.

That part of
Broad river
called the
Middle river,
&c. to be
kept open.

SECT. 2. *And be it further enacted, That* all and every person or persons whatever, obstructing, or causing the same to be obstructed, shall be subject to the fines and forfeitures imposed in the 14th section of an act, passed on the 8th December, 1815, to authorize Shaler Hillyer to build a mill-dam across Broad river, at Muckle's ferry shoals, and for other purposes.

Penalties for
obstructing
the same.

SECT. 3. *And be it further enacted, That* Ruphes Christian, of Elbert county, is hereby appointed a commissioner on said Broad river, in lieu of William Redwine, refusing to act.

A commis-
sioner ap-
pointed.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 370.)

AN ACT

To amend An act to render navigable that part of the Oconee river situated between the mouth of Fishing creek, in Baldwin county, and Hudson's Ford, at or near Barnett's Shoal, in the county of Clark, passed in the year 1818.

Preamble.

WHEREAS, Messrs. Reid and Terrell are authorized, by an act of the legislature, to render navigable the Oconee river from the mouth of Fishing creek to Barnett's shoal; and as experience has pointed out some imperfections in said act:

Penalty for obstructing the channel of the Oconee made by Reid and Terrell, or any other part of said river.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, any person or persons who may throw any obstruction to the passage of boats in the channel of the Oconee river made by Messrs. Terrell and Reid, or in any part of said river necessary to the passage of boats, shall pay a fine of two hundred dollars to such person as will give information of the same, and prosecute the case to conviction before any tribunal of the state having cognizance of such cases.

Penalty for felling trees in the Oconee, from the mouth of Fishing creek to the highest point of navigation.

SECT. 2. *And be it further enacted, That* any person who shall fall any tree of one foot or more in diameter into the Oconee river, between the mouth of Fishing creek and Garner's ferry, or as far on said river as the navigation may have been rendered practicable by said undertakers, shall, for every such offence, pay the sum of twenty dollars, to be levied, collected, and disposed of as in the last section.

Said undertakers may effect a channel of navigation in any part of the river. Owners of mills shall establish the necessary locks.

SECT. 3. *And be it further enacted, That* the said undertakers are authorized to carry their channel of navigation through any part of the river that may appear to them most practicable; and the owners of mills, who may have erected their dams across the course of such channel, shall, in every case, be bound to erect a lock, of sufficient size to admit of the passage of such boats as are used in the transportation of produce on the section of the river on which such mill may be erected; the lock to be so erected to be placed in a proper situation under the direction of the undertakers, and liable to the same mode of inspection as other parts of the river.

Additional commissioners.

SECT. 4. *And be it further enacted by the authority aforesaid, That* Tomlinson Fort, Hines Holt, Henry Branham, Warren Jourdan, James Ware, Peter J. Williams, George Heard and Robert Rea, be, and they are hereby appointed commissioners in addition to

those heretofore appointed by the before recited act, with power to appoint a chairman, (No. 370.) and convene the said commissioners by public advertisement, and that any three of said number shall be sufficient to form a board for inspecting the work, agreeable to the provisions of the before recited act. Three shall constitute a board.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

NE EXEAT.

1813.

(No. 371.)

AN ACT

To authorize the judges of the Superior Courts to grant writs of Ne Exeat in certain cases therein mentioned.

Preamble.

WHEREAS, great evils have, and do yet exist in this state, in consequence of the law of England regulating writs of ne exeat, not having provided for cases where the demand set forth by the complainant is not due; and whereas, no provision is made for cases of joint obligors, or joint and several obligors, when a part of them remove, or are about removing without the jurisdictional limits of this state, without making satisfaction to the obligee, or to the other obligor or obligors, by reason whereof the payment of the debt devolves on the obligor or obligors who remain within the state, and that too, without the possibility of compelling the obligors or obligor removing, to pay or secure the payment of their proportionable part to the obligee, or to the complaining obligors: for remedy whereof,

Judges of the Superior Courts authorized to grant writs of ne exeat when the debt is not due.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the judges of the Superior Courts shall, and are hereby authorized to grant writs of ne exeat, as well in cases where the debt or demand is not actually due, but exists fairly and bona fide in expectancy at the time of making application, as in cases where the demand is due; and all the proceedings shall be as heretofore practised in this state, in restraining the person and property of the defendant, until he secures to the complainant the payment of the demand, or show good cause to the court why he should not pay the same; all other proceedings to be in the same way as is practised under this writ in other cases.

SECT. 2. *Be it further enacted*, That in case of joint, or joint and several obligors, if (No. 371.) any one or more of them are about to remove without the jurisdictional limits of this state, and are carrying off their property, leaving one or more fellow obligors bound with them for the payment of any debt, penalty, or for the delivery of property at a certain time, which time has not arrived at the time of such removal, such obligor or obligors who remain, shall have the benefit of the writ of ne exeat, to compel the removing obligor to secure the payment of his part of the debt, penalty, or of the delivery of the property; and also in cases of security, the security shall have all the benefit of the writ of ne exeat, against his principal or fellow security, where the obligation or debt is not yet due, and the principal or either of the securities are about removing without the state: *Provided nevertheless*, that in all cases arising under this act, the party complaining shall pursue the legal form and course of law, as heretofore practised in this state, any thing herein contained to the contrary notwithstanding.

Joint obligors entitled to said writ against their fellow obligors in certain cases.

Securities entitled to said writ against their removing principal, or fellow securities. *Proviso.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

PEDLERS.

1812.

(No. 372.)

AN ACT

*To amend an act, entitled An act for licensing and regulating Pedlers.**

Pedlers re-
quired to pay
\$30 for a li-
cense to trade.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted,* That it shall be the duty of every, or any pedler or itinerant trader, who shall wish to vend any goods, wares or merchandize in this state, to apply to some one of the clerks, or the Superior Court of this state, or the treasurer thereof, and to pay to and for the use of this state, thirty dollars; and on the payment thereof, to receive from said clerk, or treasurer, a certificate or license, to vend or sell goods, wares or merchandize in any of the counties of this state, for the term of twelve months from the date of such license.

Duty of the
clerks grant-
ing licenses.

SECT. 2. *And be it further enacted,* That it shall be the duty of all and any of such clerks, within sixty days after the receipt of any money, by virtue of this act, to deliver and pay over the same to the treasurer of this state; and on failure thereof, they shall be subject to indictment for malpractice in office; and being thereof convicted, shall be removed from office, and fined in a sum not less than twice the sum which he so failed to pay, and stand committed until the same is paid.

Pedlers trad-
ing without
license fina-
ble.

SECT. 3. *And be it further enacted,* That if any pedler or itinerant trader, shall vend any goods, wares or merchandize, without first obtaining a certificate as aforesaid, shall be fined in a sum not exceeding one hundred dollars, for every such offence.

* See the three next acts, particularly the last, which is the operative one on the subject.

SECT. 4. *And be it further enacted*, That this act shall not be so construed as to prevent any person from trading on the manufactures of this state, and that all laws militating against this act, are hereby repealed. (No. 372.)

Trading on the manufactures of the state, not prohibited.
Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,
Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 373.)

To impose an additional tax on Pedlers and other Itinerant Traders.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of every pedler and itinerant trader, who shall intend to vend any goods, wares or merchandize in any county in this state, to apply to the clerk of the Inferior Court of each and every county, where he intends to vend such goods, wares or merchandize, and obtain a license, under the hand of the clerk and the seal of the court, authorizing him to sell the same in the county where the license issues, for the term of twelve months from the date thereof: *Provided always*, that the person so applying shall, at the time of receiving such license, pay to the clerk granting the same, two dollars for his own use, for each license granted; and also the sum of forty dollars, one half for the use of the county where the license issues, and the other half for the use of the state; which last shall be paid by the clerk into the treasury of this state, within ninety days after he receives the same: *Provided always*, that there shall be one license to each waggon, cart, or other vehicle for the transportation of merchandize, which license they shall be bound to show, when demanded by any sheriff, deputy sheriff, justice of the Inferior Court, justice of the peace, or any constable; and on failure or refusal, shall be subject to the penalties of this act.

Pedlers required to obtain a license in every county where they intend to trade.

Proviso.

One license for each wagon.

* This act amended by the following one of 1817, which is also amended by act of 1819, No. 375.

(No. 373.)
Forfeiture for
trading with-
out such li-
cense.

SECT. 2. *And be it further enacted,* That if any pedler or itinerant trader shall expose or offer for sale, or vend any goods, wares or merchandize, without having previously obtained such license, or in any other county than that in which the same is granted, he, she or they, shall forfeit and pay, for each and every offence, the sum of five hundred dollars, to be collected in the manner herein prescribed; one half of which shall go to the prosecutor, and the other half shall be paid into the treasury of this state.

The prosecu-
tion of offend-
ers against
this law pro-
vided for.

SECT. 3. *And be it further enacted,* That an oath being made before any justice of the Inferior Court or justice of the peace, that a violation of this law has been committed, it shall be his duty to issue a warrant under his hand, directed to any sheriff, deputy sheriff or constable, commanding them and each of them to arrest the offender, and seize his property, and bring both before any justice of the Inferior Court or justice of the peace; and if, on trial before any of them, it shall appear from the evidence, that the charge or charges are unfounded, he, she or they shall be forthwith discharged; otherwise he, she or they shall be bound, with one or more sufficient securities, in the sum of five hundred dollars in a joint and several bond, for his, her or their appearances at the next Superior Court to be holden in the county where the offence was committed, and on failing to give such security, shall be committed to jail; at which court the attorney or solicitor general shall prefer a bill of indictment against the party so offending, who shall, if convicted, be fined by the court the sum of five hundred dollars for each and every violation of this law, and the party shall stand committed, until the fine or fines imposed by the court is or are paid.

In case of ac-
quittal, the
property shall
be restored
and costs paid
by the inform-
er.

In case of con-
viction, what
to be done.

SECT. 4. *And be it further enacted,* That if the party or parties indicted shall be found not guilty, the property seized shall be restored, and the cost shall be paid by the informer; but if found guilty, the court shall order a sale by the sheriff, in such manner as the court shall deem expedient, unless the party, previous to the day of sale, shall comply with the sentence of the court; and where such sale takes place, the nett proceeds, after payment of all costs and expenses, shall be applied to the discharge of the fine or fines imposed; and the overplus, if any, shall be restored to the offender.

Town corpo-
rations not
prevented
from regulat-
ing and re-
stricting pedlers,
within their limits.

SECT. 5. *And be it further enacted,* That nothing herein contained shall prevent any incorporated town from establishing such regulations and restrictions relative to pedlers and itinerant traders, within the limits of the corporation, as they may deem expedient.

Trading under
license ob-
tained hereto-
fore, permit-
ted.

SECT. 6. *And be it further enacted,* That nothing in this act shall prevent any pedler or itinerant trader, who has heretofore obtained a license, from selling under it according to the existing laws; nor shall any thing herein contained prevent any citizen of this

Citizens permitted to trade on the state manufactures.

state from trading on the manufactures thereof; and all acts and parts of acts militating (No. 373.) against this act be, and the same are hereby repealed.

Repealing
clause.

SECT. 7. *And be it further enacted*, That where any pedler or itinerant trader shall, after the passage of this act, and previous to the first of January next, take out any license under the laws now in force, he shall not be subject to the penalties of this law; *Provided*, he shall, by that day, comply with the provisions of this act, by paying the sum of forty dollars in the manner herein directed.

The taking
out licenses
previous to
the 1st day of
January next
regulated.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 374.)

To alter and amend an act, entitled An act to impose an additional tax on Pedlers and other Itinerant Traders, passed the 13th December, 1816.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of every pedler or itinerant trader, who shall wish to vend any goods, wares or merchandize in this state, to apply to the clerk of the Inferior Court of each county in which he may be disposed to vend goods, and procure a license under the seal of the county court; and such license shall entitle him or them to the privilege of vending any goods, wares or merchandize, for the term of twelve months, within the limits of said county; and shall pay for every such license the sum of twenty dollars in each county, (one half for county purposes, the other half for the use of the state,) the one half of which sum or sums, when so collected, shall be paid over by the clerk to the treasurer of this state, within six months; they shall also pay to such clerk the sum of two dollars for his own use: *Provided*

Pedlers requi-
red to take
out licenses in
every county
where they in-
tend to trade.

\$20 for each
license.

* See act of 1819, No. 375, amendatory of this act.

(No. 374.) *nevertheless*, that there shall be one license for every waggon, cart, or other vehicle employed or used in vending such goods, wares, or merchandize; which license they shall be bound to show to any sheriff, deputy sheriff, justice of the Inferior Court, justice of the peace, or constable of this state, whenever demanded, and on failure or refusal thereof, shall forfeit and pay the sum of thirty dollars; which fine shall be collected as all other fines or penalties are.

Proceedings
against offend-
ers under this
law regulated.

SECT. 2. *And be it further enacted*, That on oath being made before any justice of the Inferior Court or justice of the peace, that a violation of this law has been committed, it shall be his duty to issue a warrant from under his hand, directed to any sheriff, deputy sheriff or constable, commanding them and each of them to arrest the offender or offenders, and seize him or them and their property, and bring him or them and their property before any of the justices of the Inferior Court, or justices of the peace; and if, on trial before any of them, it shall appear from the evidence that the charge or charges are unfounded, he, she or they shall be discharged without cost; otherwise he, she or they shall be bound with one or more sufficient securities, in the sum of one hundred dollars, in a joint and several bond for his, her or their appearance at the next Superior Court to be held in the county where such offence may have been committed; and on failing to give such security, shall be committed to jail; at which court the attorney or solicitor general shall prefer a bill of indictment against the party so offending; who shall, if convicted, be fined by the court, in the sum of one hundred dollars for each and every violation of this law; and the party so offending shall stand committed until such fine or fines be paid: *Provided nevertheless*, that this act shall not prevent the corporation of any town or village from exacting from such pedler or other itinerant trader a sum not exceeding five dollars per day: *And provided*, that nothing herein contained shall prevent any person from trading on the manufactures of this state.

Town corpora-
tions allow-
ed to exact
\$5 per day
from pedlers.
Proviso as to
state manufac-
tures.

Repealing
clause.

SECT. 3. *And be it further enacted*, That all acts and parts of acts that militate against this act shall be, and they are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 375.)

To alter and amend an act, entitled "An act to impose an additional tax on Pedlers and other Itinerant Traders," passed the 10th December, 1817.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of every pedler or itinerant trader, who shall wish to vend any goods, wares or merchandize in this state, to apply to the clerk of the Inferior Court of each county in which he may be disposed to vend goods, wares or merchandize, and procure a license under the seal of the county court, with an annexed copy of the oath, which shall be administered to him by the clerk of the Inferior Court, as follows: "That I, A. B. now applying for a license to vend goods, wares, or merchandize in the county, (inserted in such license,) do solemnly swear, or affirm, (as the case may be,) that I will use this license in no other county than the one for which it is granted, nor transfer or suffer any other person or persons, in mine, or their name or names, to use the same; so help me God:" and the clerk shall record such oath and license in a book to be kept by him for that purpose; and such license, when obtained, with the copy of the oath thereto subscribed, from under the hand and seal of the clerk of the Inferior Court, to whom such application shall be made, shall entitle him or them to the privilege of vending any goods, wares or merchandize, for the term of twelve months, within the limits of said county, and shall pay, upon their obtaining such license, the sum of six hundred dollars to the clerk of the Inferior Court in each county where such license shall be granted; one half for county purposes, and the other half for the use of the state; the one half of which sum or sums, when so collected, shall be paid over by the clerk to the treasurer of this state within six months thereafter: they shall also pay to such clerk, for the granting of such license, with the copy of the oath and the county seal attached thereto, the sum of five dollars, for his own use: *Provided nevertheless,* that there shall be one license for every waggon, cart or other vehicle, employed or used in vending such goods, wares or merchandize, which they shall be bound to show to any sheriff, deputy sheriff, constable, justice of the peace, and to any civil or military officer whatever, when demanding an exhibit of the same, and on failure or refusal thereof, shall forfeit and pay the sum of twelve hundred dollars, one half to the informant, the other half to be paid over to the clerk of the Inferior Court, and applied to county purposes. And that, in all cases where the said pedlers shall take out such license, and pay over to the clerk the amount of taxes, and the clerk shall neglect to pay over to the treasurer, agreeably to the provisions of this act, he shall be subject to indictment; and, if found guilty, shall be fined in a sum not less than double the amount received by him.

Pedlers required to obtain licenses in each county in which they intend to trade:

Shall take an oath not to use such license in any other county, nor to transfer the same, &c. License and oath to be recorded, &c.

\$600 for each license.

Clerk's fee.

One license for each waggon, &c.

Justices of the peace, &c. may demand an exhibit of the license.

Penalty.

Clerks indictable for not paying over to the treasurer, as required by this act.

(No. 375.)
Clerk to de-
scribe each
person to
whom he
grants a li-
cense
Proceedings
against offen-
ders regulat-
ed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk issuing license as aforesaid, to describe, as nearly as he can in said license, the age, size, complexion, &c. of the person to whom such license is granted.

SECT. 3. *And be it further enacted,* That on oath being made before any judicial officer of this state, justice of the Inferior Court, or justice of the peace, that a violation of this law has been committed, it shall be his duty to issue a warrant from under his hand, directed to any sheriff, deputy sheriff, constable or marshal of any town or city, commanding them, or each of them, to arrest the offender or offenders, seize and bring him or them, and the goods, wares or merchandize which they may have in their immediate possession, before any judge of the Superior Court in term time, or before any of the justices of the Inferior Court or justices of the peace; and if, on trial before any of them, it shall appear from the evidence that the charge or charges are malicious or unfounded; he, she or they shall be discharged without cost; otherwise, he, she or they shall be bound with one or more sufficient securities in the sum of twenty-four hundred dollars, in a joint and several bond, for his, her or their appearance at the next Superior Court to be held in the county where such offence shall have been committed; and on failing to give such security, shall be committed to jail, at which court the attorney or solicitor general shall prefer a bill of indictment against the party so offending, who shall, if convicted, be fined by the court in the sum of not less than six hundred, nor more than twelve hundred dollars for each and every violation of this law, and the party so offending shall stand committed until such fine or fines be paid.

Fines, how
collected.

Proviso.

Proviso.

SECT. 4. *And be it further enacted,* That the fine or fines which may be incurred for each and every violation of this law shall be collected as all other fines or penalties are: *Provided nevertheless,* that this act shall not prevent the corporation of any town or village from exacting from such pedler or other itinerant trader; a sum not exceeding five dollars per day: *And provided,* that nothing herein contained shall prevent any person from trading on the manufactures of this state.

Repealing
clause.

SECT. 5. *And be it further enacted,* That all acts and parts of acts that militate against this act, shall be, and they are hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

PENAL CODE.

1811.

(No. 376.)

AN ACT*

To alter and amend an act, entitled An act more effectually to punish the crime of Horse Stealing.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, that so much of the before recited act as repeals an act, entitled An act more effectually to punish persons guilty of stealing horses, asses or mulés, passed on the nineteenth day of December, one thousand seven hundred and ninety-three, shall remain and be in full force and virtue, so far as respects any crime or crimes which may have been committed before the repealing of the last recited act, which may come under the purview of the same.

Reviving clause.

SECT. 2. *And be it further enacted,* That the second section of the first act herein recited, shall hereafter be so construed as to include the words "mare or mares."

The words "mare or mares," to be included in the first recited act.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

* For the existing law relative to horse stealing, see penal code of 1817, from the 7th to the 12th section inclusive, of the 6th division.

(No. 377.)

AN ACT*

To ameliorate the Criminal Code, and conform the same to the Penitentiary System.

PERSONS CAPABLE OF COMMITTING CRIMES.

Who are capable of committing crimes. SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That all persons are hereby declared capable of the commission of crimes, except those included under the following heads, in whom a want or defect of will is manifest, viz :

Who are not, &c.

- 1st. Infants under the years of discretion, in whom no "*doli capacitas*," or capability for mischief, appears to exist.
- 2d. Lunatics and idiots.
- 3d. When the crime or unlawful act is committed by misfortune or chance, and not by design.
- 4th. Ignorance or mistake ; when, with the intent of doing a lawful act, an unlawful one is committed.
- 5th. When actions, unlawful and criminal, are committed by compulsion and inevitable necessity.

What necessary to convict an infant of a crime, &c.

SECT. 2. *And be it further enacted,* That when any infant or infants, under the years of discretion, shall or may commit any crime or unlawful act, with malice, the evidence of such malice shall, before conviction of such crime, be clear and strong, beyond all doubt and contradiction.

A lunatic who shall commit a crime in a lucid moment, punishable.

SECT. 3. *And be it further enacted,* That if any lunatic shall and does, in a lucid moment, commit any crime or unlawful act, such lunatic may and shall, on conviction thereof, and on good evidence of such lucid moment, be adjudged to such penalty as may be by law annexed to the commission of such crimes.

Proceedings regulated, when a person of sound mind commits a capital crime and afterwards becomes insane.

SECT. 4. *And be it further enacted,* That if any person, in sound mind or memory, commit a capital offence, and before arraignment for it become insane, he shall not be arraigned for it ; if after having pleaded, he shall not be tried ; if after being tried and found guilty, judgment shall not be pronounced ; and if after judgment, execution shall be stayed, unless such person or persons become *compos mentis*, or sound in mind.

* Repealed. See act of 1818, No. 382.

SECT. 5. *And be it further enacted*, That if any person or persons shall attempt to (No. 377.)
perpetrate any arson, rape, burglary, robbery or larceny, and a consequence ensues
which he, she or they did not foresee or intend, as the death of a man, or such like,
such want of foresight shall be no excuse; for being guilty of one offence in doing an-
tecedently what is in itself heinous and unlawful, he, she or they, is or are criminally
guilty of whatever consequence may follow such first misbehaviour.

Persons at-
tempting to
commit arson,
rape, &c. lia-
ble for any
consequence
ensuing from
such attempt.

SECT. 6. *And be it further enacted*, That no crime shall be excused by ignorance or
error in point of law, but only by ignorance or mistake of fact.

Ignorance of
law no excuse
for a crime.

SECT. 7. *And be it further enacted*, That in all cases wherein a wife may commit
any crime or crimes, except high treason, murder and manslaughter, and the keeping a
brothel or disorderly house, in the company of her husband, she shall not be considered
guilty of said crime or crimes; but her husband, by whose coercion she is supposed to
act, shall be, and is hereby declared amenable to the laws for such act.

A wife com-
mitting a
crime by the
coercion of
her husband,
(with certain
exceptions)
not amenable.
The husband
liable.

SECT. 8. *And be it further enacted*, That if any slave shall, by command of his or
her master, owner or employer, or person having charge of such slave, commit any
crime or crimes, except felony, such slave is declared not guilty of such act; but such
master, owner, employer, or person having charge of such slave, by whose command
such crime or crimes may have been committed.

A slave, who
shall commit
any crime (ex-
cept felony)
by the com-
mand of an
owner, &c. not
amenable.
Such owner,
&c. liable.

PRINCIPALS AND ACCESSORIES.

SECT. 9. *Be it enacted by the authority aforesaid*, That he, she or they, who shall
be the actor or actors, or absolute perpetrator or perpetrators of any felonious act, except
as provided in the two preceding sections, shall be, and is or are hereby declared to be,
principal or principals in the first degree; and he, she or they, who shall be present,
aiding and abetting the fact done, principal or principals in the second degree.

Who shall be
principals in
the first de-
gree.

In the second
degree.

SECT. 10. *And be it further enacted*, That the presence shall not be construed, always
to be an actual immediate standing by, within sight and hearing of the fact; but that
he, she or they, who may be keeping guard or watch at some convenient distance, shall
be, and are hereby declared to be, aiding and abetting, and is or are consequently prin-
cipal or principals, in the second degree.

A constructive
presence, &c.
may make a
person prin-
cipal in the se-
cond degree.

SECT. 11. *And be it further enacted*, That in cases of death by poisoning, he, she or
they, who shall, with malicious intent, prepare or lay the poison, or persuade other per-
son or persons ignorant of its poisonous qualities to drink it, or give it to him, her or
them for that purpose, and yet not administer it personally, nor be present when the

Poisoning.

(No. 377.) very deed of poisoning is committed, shall be, and is or are hereby declared to be, principal or principals, in the first degree.

Persons laying any trap, or pitfall, &c. by which the death of any one ensues, guilty of murder.

SECT. 12. *And be it further enacted,* That he, she or they, who shall lay any trap or pitfall for another, whereby he or she is killed, let out any wild beast with intent to do mischief, so that death thereby ensues, or excite an idiot or person insane, or a child under the age of legal discretion, to commit homicide, is or are, in each and every of these cases, declared guilty of homicide, as principal or principals in the first degree.

Accessories defined.

SECT. 13. *And be it further enacted,* That he, she or they, who shall not be the chief actor or actors in the offence, nor present at its commission, aiding and abetting, but is or are in some way concerned therein, either by advising or counselling the act to be done, or shall conceal or protect the perpetrator or perpetrators after the commission of the offence, are hereby declared accessories to such fact.

No accessories before the fact in case of homicide in the first and third degree.

SECT. 14. *And be it further enacted,* That in all felonies there are and may be accessories, except in homicide in the first and third degrees, where there are and can be no accessories before the fact.

Accessories before the fact defined.

SECT. 15. *And be it further enacted,* That he, she or they, who, being absent at the time of the crimes being committed, doth or do notwithstanding procure, counsel, or command another to commit a crime, except homicide in the first and third degrees, whereby such crime is actually committed, is or are declared accessories before the fact.

Accessories after the fact defined.

SECT. 16. *And be it further enacted,* That he, she or they, who, knowing a crime to have been committed, assists the criminal in resisting the law, or making his escape from justice, except in the case of husband and wife, is or are declared accessories after the fact.

A person advising another to kill a child before its birth, and it be afterwards killed, deemed

SECT. 17. *And be it further enacted,* That if any person or persons advise or counsel another to kill a child before its birth, and the child be killed after its birth, in pursuance of such advice, such adviser or advisers is or are declared accessory to the murder.

Accessories how punished.

SECT. 18. *And be it further enacted,* That except in the case of homicide in the first degree, accessories shall be, and are hereby declared punishable in like manner, though in less degree, with the principals.

When tried.

SECT. 19. *And be it further enacted,* That no accessory can be guilty of a higher crime than his principal, nor shall he be tried before the principal is convicted.

SECT. 20. *And be it further enacted,* That in crimes of treason against the state, and (No. 377.) of trespass, there are no accessories, but that every "particeps criminis," or accomplice in the fact, is principal. No accessories in trespass and treason.

TREASONS.

SECT. 21. *Be it enacted by the authority aforesaid,* That if any person or persons shall, or do levy war against this state, within the limits of the same, or be adherent to the enemies of the state within the same, giving to them aid and comfort in the state or elsewhere, and thereof be legally convicted of any one overt deed, by the evidence of two sufficient and lawful witnesses, or his own voluntary confession, the cases above mentioned shall be, and are hereby declared treason, which extendeth to the state. What shall constitute treason.

SECT. 22. *And be it further enacted,* That if any person or persons shall erect or establish, or cause or procure to be erected or established, any government, separate from, or independent of the government of this state, within the limits thereof, unless by act of the legislature of this state for that purpose first obtained, or shall hold or execute, under any such usurped government, any office, legislative, executive, judicial or ministerial, by whatever name such office may be distinguished or called, or shall swear or otherwise solemnly profess allegiance or fidelity to the same, or under pretext of authority derived from, or protection afforded by such usurped government, shall resist or oppose the due execution of the laws of this state, such person or persons shall be, and is or are hereby declared guilty of treason towards the state.

SECT. 23. *And be it further enacted,* That all and every such person or persons who shall and may be, on the good and sufficient evidence of two witnesses, convicted of the aforesaid crime of high treason towards this state, shall be punished with death. Treason punished with death.

FELONY.

SECT. 24. *Be it further enacted by the authority aforesaid,* That the crimes of homicide in the first, second and third degrees, arson, larceny, burglary, robbery and forgery, shall be, and are hereby declared felony. Felony.

HOMICIDE.

SECT. 25. *Be it further enacted,* That homicide shall be construed, and by this act is declared to be, the killing of any human creature; and such homicide is hereby divided into three degrees, to each of which shall appertain punishments as hereafter expressed. Homicide defined. Divided into three degrees.

(No. 377.) 1. If any person or persons of sound mind, with malice aforethought, *express*, shall kill a human creature, he, she or they shall be guilty of homicide of the *first* degree, and being duly convicted thereof by the verdict of a jury, shall suffer death, under the sentence or judgment of the court, at such time and place as shall be stated in the said sentence or judgment, by being hanged by the neck until dead.

Express malice described.

Malice expressed, shall in all courts of justice be construed, and is hereby declared to be evidenced by such cases only, in which the *fact* of malice concurs with the act of killing, or where the act shows a malice against all mankind.

Homicide where malice is implied, how punished.

2. If any person or persons of sound mind, with malice aforethought, *implied*, shall kill a human creature, and being duly convicted thereof by the verdict of a jury, he, she or they shall be guilty of homicide of the second degree, and shall be condemned, by the sentence of the court, to hard labour or solitude in the penitentiary, for a term of years not less than three, nor more than fifteen.

Malice implied.

SECT. 26. *And be it further enacted*, That "malice implied," shall be construed by all courts of justice in this state, and is hereby declared to be evidenced by such cases only, in which the point of *fact* or malice concurs with the act of killing by the imputation of law only, and when the act of killing happens in the performance of some felonious act, principally or wholly intended for some different purpose.

Homicide in the third degree;

How punished.

SECT. 27. *And be it further enacted*, That if any person or persons shall, suddenly and unexpectedly, without any premeditated intention of committing the deed, kill another, he, she or they shall be guilty of homicide in the third degree, unless herein otherwise pointed out, and being duly convicted thereof by the verdict of a jury, shall be condemned by the sentence or judgment of the court, to hard labour or solitude in the penitentiary, for a term of time not more than ten, nor less than two years.

Provided nevertheless ;

Justifiable homicide.

SECT. 28. *And be it further enacted*, That if the killing or homicide shall arise from an intention, on the part of the slayer, to arrest the commission of crimes of a felonious nature, or by an officer in the strict execution of his office, and committed for the advancement of public justice ; or such as may arise by misadventure in the execution of a lawful or innocent act, or in self-defence, where the attack is immediate and the danger imminent, and where there is no premeditated intention to meet or encounter the danger, and the prisoner or prisoners at the bar shall prove the same to the satisfaction of the jury, and the jury in their verdict do specifically state the homicide to be within

this proviso, and not of the first, second or third degree; the court shall thereupon immediately discharge such prisoner or prisoners, and that without cost. (No. 377.)

SECT. 29. *And be it further enacted*, That in all cases of trial for homicide, where the killing is admitted by, or proven against the prisoner or prisoners, the jury shall be bound to specify, in their verdict, the degree of homicide whereof the prisoner or prisoners is or are convicted. A jury convicting a prisoner of homicide must specify the degree thereof.

SECT. 30. *And be it further enacted*, That in all indictments presented to a grand jury under this act, relating to homicide, the charge or count to be contained in such indictment shall always be for homicide in the first degree, who may, upon the evidence produced to them, find, and are hereby authorized to find a true bill for any one of the degrees of homicide, as shall upon their oaths appear suitable to the testimony; and the person or persons so indicted shall be tried upon the charge or count so found: *Provided nevertheless*, that if the bill found by the grand jury for homicide be not within the first, second or third degree, the prisoner or prisoners so indicted shall immediately be discharged by the court, without arraignment or further proceedings. Indictments for homicide regulated.

Proviso.

SECT. 31. *And be it further enacted*, That all aiders and abettors before the fact, in homicide of the first degree, knowing, or wilfully aiding or assisting any person or persons in committing the said crime, shall be equally guilty as the principal or principals, and be considered in law as principal in the commission of said crime; and on conviction shall, by the sentence and judgment of the court, be punished in the like manner as provided for by this act, against persons convicted of the crime of homicide in the first degree; and all accessories after the fact, in the commission of the crime or crimes provided against by this act, shall, on conviction thereof, be, by the sentence and judgment of the court, punished, if of the first degree, by confinement in the penitentiary for a term not less than two, nor more than five years; if of the second degree, for a term not less than one, nor more than three years; and if of the third degree, for a term not less than six months, nor more than one year. Aiders and abettors before the fact, in homicide of the first degree, punishable as principals.

Accessories after the fact, how punished.

SECT. 32. *And be it further enacted*, That if any person or persons die of any homicidal act within three calendar months after the stroke, blow, wound, hurt or injury received, or cause of death administered, and it be proved that the stroke, blow, wound, hurt or injury so received, or cause of death administered, was the cause of such person or persons' death, the offender or offenders shall be liable to the penalties of this act, in the like manner as if death had ensued immediately: *Provided nevertheless*, that in cases of laying in wait, deliberate shooting, poisoning, or cruel and unmerciful beating, in all which cases the person or persons dying thereof, within six months, will attach the crime on the offender or offenders; and in the computation of time, the whole Where death ensues within three months after the injury received, and it be proven that such injury was the cause of the death, the punishment shall be the same as if the death had been immediate.

Proviso.

(No. 377.) day upon which the hurt was done shall be reckoned the first, and continue until the expiration of the twenty-four hours of the last day of the said three or six calendar months.

What shall be done when a prisoner stands mute, or confesses the crime.

SECT. 33. *And be it further enacted*, That in the trial of any indictment for homicide in this state, if the person or persons so indicted or charged stand mute, or do not answer to said indictment or charge, or confess the same in open court, the judge or judges, after admonishing such person or persons, shall, if he, she or they persist in the same course of conduct, proceed to the trial of such person or persons, as if he, she or they had plead not guilty, and pass the same sentence and judgment, in case of conviction, as if the pleadings had been regularly made up; and said pleadings shall be so made up by the clerk of the court, under the inspection of the judge, or by the counsel appointed by the court for the person or persons so indicted or charged; *Provided nevertheless*, That if the said person or persons be idiotic, or not of sound mind, the court shall empanel a jury to inquire into said fact, and on ascertaining the same, shall discharge the person if an idiot, and if a lunatic, he shall be remanded to jail.

Proviso.

Arraignment regulated.

SECT. 34. *And be it further enacted*, That all prisoners tried under this act, shall be arraigned by being called to the bar or place of trial, and upon the prisoner or prisoners answering to his, her or their name or names, the officer acting for the state shall proceed to read the indictment without further formality.

"Benefit of clergy" annulled.

SECT. 35. *And be it further enacted*, That the benefit of clergy, in cases of homicide, as heretofore claimed in this state, or any legal exception arising from the omission of the words "benefit of clergy" in this state, is abolished and declared a nullity and of no force, so far as respects the punishment of death provided for against any person or persons convicted of homicide in the first degree.

FORGERY.

Forgery, &c.

SECT. 36. *Be it further enacted*, That if any person or persons shall falsely make, forge, alter or counterfeit, or cause or procure to be falsely made, forged, altered or counterfeited, or willingly act or assist in the falsely making, forging, altering or counterfeiting any audited certificate issued by the auditor general, or any order or warrant issued by his excellency the Governor, or the honourable the president of the Senate or speaker of the House of Representatives of this state, on the treasurer thereof, for any money or other thing, or any warrant for land, issued by the justices of any land court within this state, or any certificate, draft, order or warrant from any of the public officers of this state, issued under or by virtue of any act or resolve of the General Assembly, or any deed, will, testament, bond, writing obligatory, bill of exchange,

bank bill, promissory note, or order for money or goods, or acquittance or receipt for (No. 377.) money or goods, or any indorsement or assignment of any bond, writing obligatory, bill of exchange, bank bill, promissory note, or order for money or goods, with intent to defraud any person or persons whatsoever, or shall utter or publish as true any or either of them, knowing the same to be falsely made, uttered, forged or counterfeited, every such person or persons so offending shall, upon conviction thereof, according to due course of law, be condemned to imprisonment and hard labour in the penitentiary of this state, for and during a term not less than four, nor more than twelve years.

How punish-
ed.

SECT. 37. *And be it further enacted*, That if any person or persons shall falsely make, forge, utter or pass any base metal as gold or silver coin within this state, knowing the same to be false, base or forged, and be thereof convicted, he, she or they shall be condemned to hard labour and imprisonment in the penitentiary, for and during a term not less than five years, nor more than fourteen.

Counterfeit-
ing, &c. gold
or silver coin;
How punish-
ed.

PERJURY AND SUBORNATION OF PERJURY.

SECT. 38. *Be it further enacted*, That if any person or persons shall commit perjury, or that crime committed where a lawful oath is administered, in some judicial proceedings, to a person who swears wilfully, falsely and absolutely, in a matter material to the issue or point in question, he, she or they shall, upon conviction thereof, be punished by a full and complete forfeiture of all the rights of citizenship, as herein after expressed, for and during the term of twenty years, in the same manner as if such had never been enjoyed, *i. e.* shall not bear testimony in any case whatever, in any court of justice, or before any magistrate, act as juror, exercise or hold any office of honour or profit, civil or military, within this state, for and during the term above mentioned, and shall, by the sentence of the court, be confined to solitude or hard labour for and during the term of not less than three, nor more than seven years.

Perjury;

How punish-
ed.

SECT. 39. *And be it further enacted*, That if any person or persons wilfully bear false evidence against any person or persons accused of capital crimes, whereby he, she or they, so accused, do suffer death, the same is hereby declared to be homicide; and the offender or offenders shall, on conviction thereof, be condemned to such penalty as is herein provided for homicide in the first degree.

When any one
suffers death
by means of
the perjury of
another, the
offender shall
be punished
with death.

SECT. 40. *And be it further enacted*, That if any person or persons shall suborn or procure another to take such false oath as constitutes perjury in the principal, such person or persons shall, upon conviction thereof, be fined in a sum not less than three hundred dollars, nor more than one thousand dollars, and be imprisoned and compelled to hard labour, for and during a term not less than two years, nor more than five.

Subornation of
perjury;

How punish-
ed.

(No. 377.) SECT. 41. *And be it further enacted*, That if such false evidence condemn the person or persons so accused to capital punishment, such suborner or suborners to such false oath are hereby declared accessories to the fact, and shall be punished accordingly.

Names of per- SECT. 42. *And be it further enacted*, That for the more effectual enforcement of the
jured offend- provisions contained in the first clause relative to this crime, the name or names of every
ers to be pub- such offender or offenders shall be published at least three times in each gazette of this
lished. state, by and under the authority of the same, and at the charge of every person or per-
sons so offending.

Two witnesses SECT. 43. *And be it further enacted*, That in all prosecutions for perjury or suborna-
necessary in tion of perjury, the testimony of two witnesses to establish the fact shall be required.
prosecutions
for perjury or
subornation of
perjury.

LARCENY.

Larceny; SECT. 44. *Be it further enacted*, That if any person or persons shall be convicted
of taking and carrying away the personal property, money or goods, of which another has
either the actual possession or the right of present possession, with design of embezzling
or converting the same, he, she or they shall be guilty of larceny, and being duly con-
victed thereof, shall be punished as herein after provided.

How punish-
ed.

Larceny with- SECT. 45. *And be it further enacted*, That if the theft or larceny committed be simple
out violence, or mixed, yet unaccompanied with violence or putting in fear, the offender or offenders,
&c. being duly convicted thereof, shall restore to the party injured the thing or things stolen,
or value thereof, and be condemned to hard labour in a penitentiary, or such other public
institution as may be by law hereafter established, for a period not less than one year,
nor more than three, unless herein after provided: *Provided nevertheless*, if the money
stolen be not above the sum of ten dollars, nor the property or goods stolen more than
the value thereof, then the term of confinement shall not exceed the term of twelve
months, nor less than of six months, in all cases restoring the party injured the property
stolen or value thereof.

How punish-
ed.

Proviso.

Stealing of SECT. 46. *And be it further enacted*, That if the goods or property stolen be a horse,
horses, cattle, mare, filly, jack-ass, female ass, mule, bull, cow or heifer, or more of the species, he, she
&c. or they who may have committed the theft, and being duly convicted thereof, shall be
condemned to hard labour in the manner aforesaid, for a period not less than three years,
nor more than seven.

How punish-
ed.

Other larceny. SECT. 47. *And be it further enacted*, That if any person or persons shall, by fraud, and
with an intent to embezzle, obtain possession of the personal property, money or goods

of which another retains the right of possession, he, she or they shall be indicted for larceny, (No. 377.) and being duly convicted thereof, shall be punished as herein before pointed out.

SECT. 48. *And be it further enacted*, That if one delivers personal goods or chattels to another for a certain specific purpose, reserving to himself the right of countermanding such delivery, and the bailee embezzles them with dishonest intent, he shall be guilty of larceny, and be liable to all its pains and penalties.

Larceny by
bailee.

SECT. 49. *And be it further enacted*, That if a bailee converts the goods or personal property to him bailed, after the expiration of the bailment, he shall be guilty of theft or larceny, and being duly convicted thereof, shall suffer the punishment herein already prescribed.

SECT. 50. *And be it further enacted*, That if two or more persons, having entered into a combination, conspiracy or association, for that purpose, shall commit larceny as herein before expressed, even though the goods stolen by each be less than the value of ten dollars, yet if the aggregate amount thus stolen be above the sum or value of ten dollars, each upon conviction shall be liable to the same term of hard labour and imprisonment as though each had committed larceny to the amount of ten dollars.

Larceny com-
mitted by per-
sons associ-
ated for that
purpose ;

How punish-
ed.

SECT. 51. *And be it further enacted*, That if any person or persons shall steal the personal goods or money of a body corporate, he, she or they so offending shall be liable to all the pains and penalties, as though the larceny had been committed upon the personal property of a natural person.

Larceny of the
goods, &c. of a
body corpo-
rate ;
How punish-
ed.

SECT. 52. *And be it further enacted*, That if any person shall feloniously and forcibly take and carry away from the person or presence of another, his money or goods of any value, by violence or putting in fear, the offender shall be guilty of robbery, and being duly convicted thereof, shall restore to the party injured the property stolen, or the value thereof, and be condemned to hard labour in a penitentiary house, or solitude, for a period not less than three, nor more than ten years.

Robbery ;

How punish-
ed.

SECT. 53. *And be it further enacted*, That after the passing of this act, the larceny or robbery of obligations or bonds, bills obligatory, bills of exchange, promissory notes for the payment of money, lottery tickets, paper bills of credit, certificates granted by, or under the authority of the state, or of the United States, or any of them, shall be punished in the same manner as larceny or robbery of goods and chattels.

Larceny of
bonds, bills,
&c.

How punish-
ed.

SECT. 54. *And be it further enacted*, That the benefit of clergy is, in all cases of larceny and robbery, taken away, and that from and after the passing of this law, it shall not be pleaded in any court of justice within this state.

Benefit of
clergy not
pleadable.

(No. 377.)

ARSON.

Arson; SECT. 55. *Be it further enacted*, That all and every person and persons that shall at any time, either in the night or day, maliciously and wilfully burn any house or houses whatsoever, (by which is meant not only the dwelling-house of any person, but all out-houses, as barns and stables,) or shall aid, abet, assist, counsel, hire or command any person or persons to commit said offence, and be thereof convicted according to law, shall be sentenced to undergo confinement in the penitentiary house, for a period not less than seven, nor more than fourteen years, at hard labour.

How punish-
ed.

Accessories
thereto; SECT. 56. *And be it further enacted*, That if any principal offender shall be convicted of the crime of arson, it shall be lawful to proceed against any accessory, either before or after the fact, although such principal may have been pardoned, and every such accessory shall suffer the same punishment, if he or she be convicted, as he or she should have suffered, if the principal had been punished.

How punish-
ed.

BURGLARY.

Burglary; SECT. 57. *Be it further enacted*, That if any person or persons shall, by night, break and enter into any dwelling-house, with an intent to commit a felony, or be accessory thereto before the fact, and be thereof duly convicted, shall be sentenced to undergo an imprisonment at hard labour and solitary confinement in the penitentiary house, for a period not less than two, nor more than five years.

How punish-
ed.

Other offences
of a burglari-
ous nature. SECT. 58. *And be it further enacted*, That if any person or persons shall, in the night, feloniously break and enter into any dwelling-house, ware-house, store-house, barn, stable, or any other house, and shall take therefrom any money, goods or chattels, wares or merchandize, of the value of two dollars or more; or shall aid, assist, counsel, hire or command any person or persons so to break into and rob any such dwelling-house, ware-house, store-house, barn, stable, or any other house, and shall be thereof convicted, such person or persons shall be sentenced to undergo an imprisonment at hard labour or solitary confinement, in the penitentiary house, for a period not less than five, nor more than twelve years.

Accessories to
a burglary may
be proceed-
ed against,
though the
principal may
have been pardoned. SECT. 59. *And be it further enacted*, That if any principal offender shall be convicted of the crime of burglary, it shall be lawful to proceed against any accessory, either before or after the fact, although such principal felon may have been pardoned.

(No. 377.)

RAPE.

SECT. 60. *Be it further enacted,* That if any man shall have or take carnal knowledge of any woman by force, or against her will or consent, every such person, his aiders or abettors, shall, upon conviction thereof, be sentenced and confined to hard labour, for and during a term not less than seven years, nor more than sixteen.

Rape ;

How punished.

SECT. 61. *And be it further enacted,* That if any person shall unlawfully and carnally know and abuse any female child under the age of ten years, whether with her consent or against it, every such person, his aiders and abettors, upon conviction thereof, shall be held and confined to solitude for a term not exceeding six months, and to hard labour for and during a term not less than ten, nor more than twenty years.

Carnal knowledge of a female child under ten years of age ;
How punished.

MAIMING.

SECT. 62. *Be it further enacted,* That if any person or persons shall maliciously bite, cut out or disable the tongue, gouge or put out the eye, slit the nose, bite or cut off the ear, nose or lip, or cut or bite off or disable any limb or member of any person or persons, such offender or offenders, their aiders or abettors, shall, upon conviction thereof, for the first offence, be confined to hard labour, not exceeding seven, nor less than three years ; and for the second offence, shall be kept to hard labour not more than twelve, nor less than five years.

Mayhem ;

How punished.

STABBING.

SECT. 63. *Be it further enacted,* That if any person or persons, their aiders or abettors, shall be guilty of the act of stabbing any human creature, except in self-defence, with sword, knife, dirk, or any other instrument of the like kind, for the first offence, upon conviction thereof, shall be sentenced and confined to hard labour or solitude, not exceeding five years, nor less than two ; for the second offence, shall be confined in like manner, not less than five, nor exceeding ten years : *Provided nevertheless,* that if any person or persons shall be guilty of any of the aforesaid crimes, so as to affect the life of any human creature, every such person or persons, except as above excepted, on conviction thereof, shall be punished as herein provided for under the head of homicide.

Stabbing ;

How punished.

Proviso.

(No. 377.)

LIBELS.

Libel defined. SECT. 64. *Be it further enacted*, That a libel shall be understood to be the malicious defamation of any person, made public by printing, writing, signs, or pictures; and if
 Punishment. such libeller shall be convicted of said offence, he shall be confined to hard labour or solitude in a penitentiary, for a period not less than six months, nor more than three years.

The truth of the accusation may be given in evidence. SECT. 65. *And be it further enacted*, That in all cases of indictment for libel, the party prosecuted shall be allowed to give in evidence the truth of the accusation, any law to the contrary hereof notwithstanding.

Repealing clause. SECT. 66. *And be it further enacted*, That all offences herein not provided for, shall be punished as heretofore; and all laws and parts of laws militating against this law be, and the same are hereby repealed.

This code confined to free white persons. SECT. 67. *And be it further enacted*, That the operation of this law, and all parts thereof, shall be construed to extend to free white persons only.

When to operate. SECT. 68. *And be it further enacted*, That this law shall not go into operation, until his excellency the Governor shall notify, by his proclamation, that a suitable penitentiary edifice is erected, and ready for the reception of convicts.

Offences committed before this code goes into operation, how tried and punished. SECT. 69. *And be it further enacted*, That if any person or persons shall commit any offence before this law goes into operation, he, she or they shall be punished under the old law, any thing herein contained to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 378.)

To prevent persons from setting fire to the woods at improper seasons of the year.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the first day of March next, if any white person shall knowingly and wilfully set fire to the woods, or cause the same to be done, at any other time than between the 1st of March and 10th of April, he shall, for every such offence, on conviction thereof, before any court having jurisdiction thereof, forfeit and pay the sum of twenty-five dollars; and in case the person so convicted should be unable to pay the same, he shall be committed to the nearest jail for the term of ten days.

White persons setting fire to woods, how punished.

SECT. 2. *And be it further enacted,* That in case any slave, or free person of colour, should wilfully set fire to the woods as aforesaid, or cause the same to be done, on conviction thereof, they shall, for every such offence, receive not more than thirty lashes on the bare back, to be inflicted after trial and conviction, before such courts as are or may hereafter be provided for by law, for the trial of slaves and people of colour, within this state: *Provided,* that this law shall operate and take effect only in the counties of Liberty, Bryan, M^cIntosh, Tatnall, Effingham, Scriven, Chatham and Bulloch.

Slaves and free persons of colour, how punished for said offence.

Proviso.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See 2d section of the 11th division of the Penal Code of 1817, No. 381.

(No. 379.)

AN ACT*

More effectually to punish the crimes of Forgery and Counterfeiting.

Preamble.

WHEREAS, the laws heretofore of force in this state have been found insufficient to restrain and punish the crimes of forgery and counterfeiting, in consequence whereof these offences have become common, to the great loss of individuals, and diminution of public credit: and whereas, these offences are highly criminal, in as much as they lessen the confidence of the people in the public securities of the nation, whilst they tend to the corruption of morals, to the injury of commerce, and the prejudice of that paper medium which facilitates the transmission of money, and increases the active capital of our country:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

The counterfeits of bank bills, &c. and those who shall utter, pass, pay, tender in payment, &c. the same, declared to be felons, and punishable with death by hanging.

That if any person or persons, after the passage of this act, shall, within the limits of this state, forge, counterfeit, make, prepare, engrave, stamp, print, sign, pass, utter, buy, sell, exchange, pay, barter, or tender in payment, the counterfeit resemblance or imitation of any bank bill or bills, note or notes, or other bill or bills, note or notes, of the late bank of the United States, or of the bank of Augusta, or of the Planters' Bank of the state of Georgia, or the counterfeit resemblance or imitation of any bank bill or bills, note or notes, or other bill or bills, note or notes of any other bank or banks, insurance company or companies, or other corporation or corporations which formerly have been, now is or are, or hereafter may be chartered or incorporated by the authority of the United States, or any one of them, or which formerly have been, now is or are, or hereafter may be duly and lawfully created in any of the present or future territory or territories of the said United States, with power to issue such note or notes, bill or bills, whether such note or notes, bill or bills, in the charter or charters, act or acts of incorporation, may be termed bank bills or notes, notes promissory or of credit, or are called by any other name or names whatsoever; and likewise whether the same be payable to any person or persons, or his, her or their order, or to any person or persons or the bearer, or to the bearer generally; every such person or persons so forging, counterfeiting, making, preparing, engraving, stamping, printing or signing such counterfeit bill or bills, note or notes, or any of them, or causing, procuring, assisting, aiding, abetting, or being concerned in the forging, counterfeiting, making, preparing, engraving, stamping or printing the same, whether such counterfeit bill or bills, note or notes, or any of them,

* For the existing law relative to forgery and counterfeiting, see Penal Code of 1817, from the 47th to the last section of the 6th division.

be complete and filled up with the number, date, names of the president and cashier and (No. 379.) payee, or any of them, or whether the same be in blank, without such number, date, names or signature, or any of them; all and every such person or persons so offending, being thereof duly convicted, shall be adjudged felons, and shall suffer death by hanging, without the benefit of clergy. And all and every such person or persons so passing, uttering, buying, selling, exchanging, paying, bartering, or tendering in payment, such counterfeit bill or bills, note or notes, or any of them, (knowing them to be such,) their aiders and abettors, being thereof duly convicted, shall likewise be adjudged felons, and shall suffer death by hanging, without the benefit of clergy. And if any person or persons, after the passage of this act, shall knowingly have, keep, possess, hide, conceal or secrete, or aid, assist, or be concerned in the having, keeping, possessing, hiding, concealing or secreting such counterfeit bill or bills, note or notes, or any of them, or who, knowing the same to be, or to have been had, kept, possessed, hid, concealed or secreted, shall not discover the same, or his, her or their knowledge thereof to some judge of the Superior Court, justice of the Inferior Court, or justice of the peace, within one month after such fact or facts comes to his, her or their knowledge, every such person or persons so offending, shall be fined not less than one hundred, nor more than five hundred dollars; and shall, moreover, be publicly whipped with not less than ten, nor more than thirty-nine lashes, and imprisoned for not less than one, nor more than twelve months: *Provided always*, that such person or persons shall not be held, taken, deemed or adjudged guilty, within the meaning of this clause, of any of the offences therein mentioned, if he, she or they had kept, possessed, hid, concealed or secreted, or aided, assisted, or was concerned in the having, keeping, possessing, hiding, concealing or secreting of such counterfeit bill or bills, note or notes, innocently, ignorantly, and without knowing their use or nature, or who, (knowing the same to be, or to have been had, kept, possessed, hid, concealed or secreted,) shall not discover the same, or his, her or their knowledge thereof as aforesaid, through innocence, ignorance and want of knowledge of their use and nature: *And provided also*, that this clause shall not be held, taken, deemed or adjudged to extend to officers of justice, into whose hands or possession any such counterfeit bill or bills, notes or notes may come, or who may have, keep or possess the same, in the due and regular execution of the duty of his or their office; and all and every such bill or bills, note or notes, which shall or may be found upon any such offender or offenders as aforesaid, or otherwise discovered, shall be burned and destroyed, in the presence of the judge of the Superior Court, by the sheriff of that county, and at that term of the Superior Court, when and where the conviction of such offender or offenders is had or takes place, unless it appears that the same may probably be wanted as evidence against some other person or persons; in which event such counterfeit bill or bills, note or notes, shall be sealed up in the presence of the judge, who shall affix his seal thereto, and then be deposited in the office of the clerk of the Superior Court of such county, thence to be removed by order of the judge, if necessary.

Persons having in possession or secreting such counterfeit bills, with a fraudulent purpose, punishable with death by hanging.

Proviso

Such counterfeits how disposed of.

(No. 379.) SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons, after the passage of this act, shall alter or erase any genuine bill or bills, note or notes, of the late bank of the United States, or of the bank of Augusta, or of the Planters' Bank of the state of Georgia; or if any person or persons shall alter or erase any genuine bill or bills, note or notes, of any other bank or banks, or of any insurance company or companies, or other corporation or corporations, which formerly has or have been, now is or are, or hereafter may be chartered or incorporated by the authority of the United States, or any one of them, or which formerly has or have been, now is or are, or hereafter may be duly created in any one of the former, present or future territories of the said United States, with power to issue or emit such bill or bills, note or notes, in the said charter or charters, act or acts of incorporation, be termed bank bills or notes, notes promissory or of credit, or are called by any other name or names whatsoever; and whether such note or notes, bill or bills, are made payable to any person or persons, or his, her or their order, or to any person or persons or the bearer, or to the bearer generally; or if any person or persons, after the passage of this act, by any cunning device, slight or trick whatsoever, shall change or alter the value, sum or denomination of the said genuine bill or bills, note or notes, or any of them, whether by changing the old figures, or substituting or adding new ones, by discharging the ink from the said note or notes, bill or bills, by means of any chemical preparation or process, and then writing or printing upon the same anew, or by any other manner of means whatsoever, with intent to increase the value of such bill or bills, note or notes, or the sum therein mentioned or due thereupon, or with intent to defraud the said bank or banks, insurance company or companies, or other corporation or corporations, or any of them, or any private person or persons whatsoever; all and every such person or persons so altering, erasing or otherwise changing the said bill or bills, note or notes, or any of them, their sum, amount, value or denomination, with intent aforesaid, their aiders and abettors, being thereof duly convicted, shall be adjudged felons, and shall suffer death by hanging, without the benefit of clergy. And all and every person or persons, who, after the passage of this act, shall pass, utter, buy, sell, exchange, pay, barter or tender in payment such bill or bills, note or notes, or any of them so altered, erased, or otherwise changed as aforesaid, (knowing them to be such,) all and every such person and persons, their aiders and abettors, being thereof duly convicted, shall likewise be adjudged felons, and shall suffer death by hanging, without the benefit of clergy. And if any person or persons, after the passage of this act, shall knowingly have, keep, possess, hide, conceal or secrete, or aid, assist or be concerned in the having, keeping, possessing, hiding, concealing or secreting such bill or bills, note or notes, (so altered, erased, or otherwise changed,) or any of them, or who, knowing the same to be or to have been had, kept, possessed, hid, concealed, or secreted, shall not discover the same, or his, her or their knowledge thereof, to some judge of the Superior Court, justice of the Inferior Court or justice of the peace, within one month after such fact or facts comes to his, her or their knowledge, every such person or per-

Fraudulent alterations of genuine bills, &c.

Punishment.
Passing, &c. such altered bills.

Punishment.
Persons having in possession, concealing, &c. such altered bills with a fraudulent intent, how punished.

sons so offending, being thereof duly convicted, shall be fined not less than one hundred, nor more than five hundred dollars, and shall moreover be whipped with not less than ten, nor more than thirty-nine lashes, and imprisoned for not less than one, nor more than twelve months: *Provided always*, that such person or persons shall not be held, taken, deemed or adjudged guilty, within the meaning of this clause, of any of the offences therein mentioned, if he, she or they had kept, possessed, hid, concealed or secreted, or aided, assisted, or was concerned in having, keeping, possessing, hiding, concealing or secreting of such bill or bills, note or notes, or any of them, so altered, erased or otherwise changed as aforesaid, *innocently, ignorantly*, and without knowing their use or nature; or who (knowing the same to be, or to have been kept, possessed, hid, concealed or secreted,) shall not discover the same, or his, her or their knowledge thereof, as aforesaid, through *innocence, ignorance* and want of knowledge of their use or nature: *And provided also*, that this clause shall not be taken, held, deemed or adjudged to extend to officers of justice, into whose hands or possession such bill or bills, note or notes, so altered, erased or otherwise changed as aforesaid may come, or who may have, keep, or possess the same, or any of them, in the due and regular execution of the duties of his or their office or offices; and all and every such bill or bills, note or notes so altered, erased, or otherwise changed as aforesaid, and found upon any such offender or offenders aforesaid, or otherwise discovered, shall be destroyed or otherwise disposed of, in the like manner, and under the same restrictions as are pointed out and provided in the last clause of the first section of this act, for the destruction or other disposition of the counterfeit bill or bills, note or notes therein mentioned.

Proviso.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any person or persons, after the passage of this act, shall wilfully and knowingly vend, sell, buy or purchase as goods or merchandize, or shall exchange, barter, traffic, utter, pass, pay or tender in payment, or hire, or procure, or assist, or be concerned in the vending, selling, buying, purchasing, exchanging, bartering, trafficking, uttering, passing, paying or tendering in payment, the counterfeit resemblance upon paper of any of the bill or bills, note or notes of any of the bank or banks, insurance company or companies, or other corporation or corporations embraced, included in, referred or alluded to in the two preceding sections of this act, whether the said counterfeit resemblance or imitation upon paper of the said bill or bills, note or notes, or any of them, be perfect or incomplete, whether they or any of them be filled up with the number, date, payee's name, and signature of the president and cashier, or whether the same be in blank, without such number, date, name or signatures, and likewise whether such person or persons say and acknowledge, at the time of vending, selling, buying, purchasing, exchanging, bartering, trafficking, uttering, passing, paying or tendering the same in payment, that they or any of the same are counterfeit or not; every such person or persons so wilfully and knowingly vending, selling, buying, purchasing, exchanging, bartering, traf-

Persons vending, purchasing, &c. counterfeit resemblances of bank bills, whether perfect or incomplete, punishable with death.

(No. 379.) ficking, uttering, passing, paying or tendering in payment, or aiding, abetting, hiring, procuring, assisting or being concerned in such vending, selling, buying, purchasing, exchanging, bartering, trafficking, uttering, passing, paying, or tendering in payment of such counterfeit bill or bills, note or notes, knowing the same to be such, (whether the same be in blank, and notwithstanding the same be said or acknowledged to be counterfeit at the time,) with intent to defraud the said bank or banks, insurance company or companies, or other corporation or corporations, or any private person or persons; such person or persons so offending, being duly convicted of the said offences, or any of them, shall be adjudged felons, and shall suffer death by hanging, without the benefit of clergy.

Persons making engravings, &c. of such bills, &c. for fraudulent purposes, shall be punished with death.

Persons having in possession, &c. such plates, &c. how punished.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons, after the passage of this act, shall engrave, imprint, stamp, dot, etch or otherwise mark or represent, or shall begin or commence engraving, imprinting, stamping, dotting, etching, or otherwise marking or representing upon copper or other metal, or upon any other substance, the imitation or resemblance, whether perfect or incomplete, of any of the bill or bills, note or notes of any bank or banks, insurance company or companies, or other corporation or corporations, in any of the preceding sections of this act embraced, included, mentioned, alluded or referred to, (whether the said engraving, imprinting, stamping, dotting, etching, marking or representation be finished or not,) except by order and for the use of the particular bank or banks, insurance company or companies, or other corporation or corporations, whose bill or bills, note or notes, are imitated or resembled by such plate, engraving, etching or other representation; or if any person or persons shall aid, abet, assist, hire, procure, or be concerned in such engraving, imprinting, stamping, dotting, etching, or other marking, or representation, except by such order and for such use as aforesaid; every such person or persons, being thereof duly convicted, shall be adjudged felons, and shall suffer death by hanging, without the benefit of clergy. And if any person or persons, after the passage of this act, shall knowingly have, keep, possess, use, hide, conceal or secrete, or aid, assist, procure, hire, or be concerned in having, keeping, possessing, using, hiding, concealing or secreting such plate or plates, engraving or engravings, dotting or dottings, etching or etchings, or other representation or representations aforesaid, or any of them, or who, knowing the same to be, or to have been had, kept, possessed, used, hid, concealed or secreted, shall not discover the same, or his, her or their knowledge thereof to some judge of the Superior Court, justice of the Inferior Court or justice of the peace, within one month after such fact or facts comes to his, her or their knowledge; every such person or persons so offending, being thereof duly convicted, shall be fined not less than one hundred, nor more than five hundred dollars, and shall likewise be whipped with not less than ten, nor more than thirty-nine lashes, and imprisoned for not less than one, nor more than twelve months: *Provided always,* that such person or persons

shall not be held, taken, deemed or adjudged guilty, within the meaning of this clause, (No. 379.) of any of the offences therein mentioned, if he, she or they had kept, possessed, used, hid, concealed or secreted, or aided, assisted, procured, hired, or was concerned in having, keeping, possessing, using, hiding, concealing or secreting such plate or plates, engraving or engravings, dotting or dottings, etching or etchings, or other representation or representations aforesaid, *ignorantly, innocently*, and without knowing their use or nature, or who (knowing the same to be, or to have been had, kept, possessed, used, hid, concealed or secreted) shall not discover his, her or their knowledge thereof as aforesaid, through *ignorance, innocence*, and want of knowledge of their use or nature: *And* Proviso. *provided also*, that this clause shall not be held, taken, deemed or adjudged to extend to officers of justice, into whose hands or possession such plate or plates, engraving or engravings, etching or etchings, or other representation or representations may come, or who may have, keep or possess the same, or any of them, in the due and regular execution of the duties of his or their office or offices; and all and every such plate or plates, engraving or engravings, dotting or dottings, etching or etchings, or other representation or representations aforesaid, found upon such offender or offenders, or otherwise discovered, shall be broken, melted down, defaced, destroyed or otherwise disposed of, in like manner and under the same restrictions as are pointed out and provided in the last clause of the first section of this act, for the destruction or other disposition of the counterfeit bill or bills, note or notes therein mentioned.

Such plates, &c. when discovered, how disposed of.

SECT. 5. *And be it further enacted by the authority aforesaid*, That if any person or persons, after the passage of this act, shall sign, complete or fill up the blanks in any counterfeit imitation or imitations of any note or notes, bill or bills of any of the bank or banks, insurance company or companies, or other corporation or corporations, in any of the four preceding sections of this act embraced, included in, mentioned, referred or alluded to, whether by forging, or signing in writing or otherwise, any name or names in imitation of, and purporting to be the signature or signatures, name or names of the president or presidents, cashier or other officer or officers of any of the aforesaid banks, insurance companies or other corporations, or whether by forging, or signing by writing or otherwise, the name of the payee, or the date and number to any such counterfeit bill or bills, note or notes, which were before in blank; every such person or persons so offending, and every person or persons concerned in aiding, abetting, assisting, hiring, or procuring such offences, or any of them, to be done or committed, being thereof duly convicted, shall be adjudged felons, and shall suffer death by hanging, without the benefit of clergy.

Persons filling up blanks, &c. in such counterfeit resemblances, punished with death.

SECT. 6. *And be it further enacted by the authority aforesaid*, That if any person or persons, after the passage of this act, shall manufacture, make, prepare, vend, sell, buy, purchase, barter, exchange, or assist, or be concerned in manufacturing, making, prepar-

The fraudulent manufacture of bank paper, &c.

(No. 379.) ing, vending, selling, buying, purchasing, bartering or exchanging, or shall hire or procure another or others to manufacture, make, prepare, vend, sell, buy, purchase, barter or exchange, any paper of that description, which is used for bank bills or notes, and which shall contain the water mark or other private mark used upon the bill or note paper of any of the banks, insurance companies, or other corporations in any of the preceding sections of this act mentioned, embraced, included in, referred or alluded to; or which shall be in imitation or resemblance of the bill or note paper of any such banks, insurance companies or other corporations, though without such water mark or other private mark; or if any person or persons shall manufacture, make, mend, or assist in manufacturing, making or mending the paper moulds or other necessary machines or instruments, commonly used in the process of manufacturing or preparing paper of that kind, or shall hire or procure another or others to manufacture, make or mend the same; or if any person or persons shall knowingly keep, hide, conceal, use, possess, or secrete, or assist, or be concerned in keeping, hiding, concealing, using, possessing or secreting any paper of the description aforesaid, or any paper moulds, or other machines or instruments commonly used in the manufacture or preparation of such paper, or any machines or instruments commonly used in the making or mending of such moulds, or other instruments for the manufacture or preparation of such paper as aforesaid; or who, knowing such paper or such moulds, machines or instruments, or any of them, to be, or to have been kept, hid, concealed, used, possessed or secreted, shall not discover the same, or his, her or their knowledge thereof, to some judge of the Superior Court, justice of the Inferior Court, or justice of the peace, within one month after such fact or facts comes to his, her or their knowledge; all and every such person or persons so offending, being duly convicted of the said offence, offences, or any of them, shall be fined, not less than one hundred, nor more than five hundred dollars, and shall moreover be imprisoned for not less than one, and not more than twelve months, and whipped with not less than ten, nor more than thirty-nine lashes: *Provided always*, that such person or persons shall not be deemed, held, taken or adjudged guilty, within the meaning of this clause, of any of the offences mentioned therein, if he, she or they manufactured, made, prepared, vended, sold, bought, purchased, bartered, exchanged, mended, kept, hid, concealed, used, possessed, secreted, or did not discover, or aided, assisted, hired, procured, or was concerned in the manufacturing, making, preparing, vending, selling, buying, purchasing, bartering, exchanging, mending, keeping, hiding, concealing, using, possessing or secreting such paper, paper moulds, or other instruments or machines before mentioned, *innocently, ignorantly*, and without knowing their use or nature, or by the order and for the use of that particular bank, insurance company or other corporation, whose genuine paper such paper resembles or imitates, or the imitation or resemblance of whose genuine paper such paper moulds or other machines or instruments is or are calculated to produce: *And provided also*, that this clause shall not be held, taken, deemed or adjudged to extend to officers of justice, into whose hands or possession such

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paper, paper moulds, or other machines or instruments, may come; or who may have, (No. 379.) keep or possess the same, or any of them, in the due and regular execution of the duties of his or their office or offices; and all such paper, paper moulds, or other machines or instruments aforesaid, or any of them, found upon any such offender or offenders, or otherwise discovered, shall be burned, melted down, broken, destroyed or otherwise disposed, in the like manner, and under the same restrictions as are pointed out and provided in the last clause of the first section of this act, for the destruction or other disposition of the counterfeit bill or bills, note or notes therein mentioned.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any person or persons, after the passage of this act, shall wilfully and knowingly manufacture, make, mend, use, possess, conceal, hide or secrete, or shall aid, assist, hire, procure, or be concerned in the manufacturing, making, mending, using, possessing, concealing, hiding or secreting any punch, die, stamp, mould, milling instrument, or other machine or instrument, used, designed, intended or calculated for the forging or counterfeiting doubloons, johannes, guineas, half guineas, Spanish milled dollars, half dollars, or quarter dollars, or any other species of gold or silver coin, current, or which shall become current in this state; or who, knowing such punches, dies, stamps, moulds, milling instruments, or other machines or instruments aforesaid, or any of them, to be, or to have been manufactured, made, mended, used, possessed, concealed, hid or secreted, shall not discover the same, or his, her or their knowledge thereof, to some judge of the Superior Court, justice of the Inferior Court, or justice of the peace, within one month after such fact or facts comes to his, her or their knowledge; all and every such person or persons so offending, being duly convicted of the said offences, or any of them, shall be fined not less than one hundred, nor more than one thousand dollars; and shall moreover be imprisoned, not less than one, nor more than twelve months, and be publicly whipped on his, her or their bare back or backs, with a whip or cowskin, with not less than ten, nor more than thirty-nine lashes: *Provided always,* that such person or persons aforesaid shall not be held, taken, deemed or adjudged guilty, within the meaning of this clause, of any of the offences therein mentioned, if he, she or they manufactured, made, mended, used, possessed, concealed, hid, secreted or aided, assisted, hired, procured, or was concerned in manufacturing, making, mending, using, possessing, concealing, hiding or secreting such punches, dies, stamps, moulds, milling machines, or other machines or instruments aforesaid, or any of them, *innocently, ignorantly,* and without knowing their use or nature; or who, (knowing the same to be, or to have been manufactured, made, mended, used, possessed, concealed, hid or secreted,) shall not discover the same, or his, her or their knowledge thereof, as aforesaid, through *innocence, ignorance,* and want of knowledge of their use or nature: *Provided also,* that this clause shall not be held, taken, deemed or adjudged, to extend to any officer or officers of justice, into whose hands or possession such punches, dies, stamps, moulds, milling

Offences relative to the manufacture or use, &c. of instruments for counterfeiting gold or silver coin.

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(No. 379.) machines, or other machines or instruments aforesaid, or any of them may come, or who may have, keep, or possess the same, in the due and regular execution of the duty or duties of his or their office or offices; and all and every such punches, dies, stamps, moulds, milling machines, or other machines or instruments aforesaid, found upon such offender or offenders, or otherwise discovered, shall be broken, defaced, melted down, destroyed, or otherwise disposed of, in like manner, and under the same restrictions as are pointed out and provided, in the last clause of the first section of this act, for the destruction or other disposition of the counterfeit bill or bills, note or notes therein mentioned.

Offences relative to counterfeit coin.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any person or persons, after the passage of this act, shall manufacture, make, gild, plate, silver, lacquer or otherwise colour, keep, possess, conceal, hide or secrete, or cause, procure, hire, aid, assist, or be concerned in manufacturing, making, gilding, plating, silvering, lacquering, or otherwise colouring, keeping, possessing, concealing, hiding or secreting, any piece or pieces of base metal, of the size, shape, form or similitude, or intended, designed or calculated to be of the size, shape, form or similitude of any piece or pieces of the gold or silver coin which now is, or which hereafter may become current in this state, whether such piece or pieces of base metal so manufactured, made, gilt, plated, silvered, lacquered, or otherwise coloured, kept, possessed, concealed, hid or secreted, be stamped, struck, impressed or imprinted in imitation of any genuine gold or silver coin, or whether such piece or pieces of base metal be in blank, without such stamp or impression; every such person or persons so offending, being duly convicted of the said offences, or any one of them, shall be fined not less than one hundred, nor more than one thousand dollars, imprisoned for not less than one, nor more than twelve months, and whipped on the bare back with a whip or cowskin, with not less than ten, nor more than thirty-nine lashes: *Provided always,* that such person or persons shall not be held, taken, deemed or adjudged guilty, within the meaning of this clause, of any of the offences therein mentioned, if he, she or they manufactured, made, gilt, plated, silvered, lacquered or otherwise coloured, kept, possessed, hid, concealed, secreted or assisted, aided, or was concerned in manufacturing, making, gilding, plating, silvering, lacquering, or otherwise colouring, keeping, possessing, hiding, concealing or secreting such piece or pieces of base metal aforesaid, *innocently, ignorantly,* and without knowing their use or nature:

Punishment.

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Provided also, that this clause shall not be held, taken, deemed or adjudged to extend to officers of justice who shall have, keep or possess such piece or pieces of base metal, in the due and regular execution of the duties of his or their office or offices; and all and every such piece or pieces of base metal, found upon such offender or offenders, or otherwise discovered, shall be melted down, broken, destroyed, or otherwise disposed of, in like manner, and under the same restrictions as is pointed out, in the last clause of

the first section of this act, for the destruction or other disposition of the counterfeit (No. 379.) bill or bills, note or notes therein mentioned.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president or Witnesses. presidents, cashier or cashiers, and all and every other officer and officers of all and every of the banks, insurance companies, or other corporations in any of the preceding sections of this act mentioned, referred or alluded to, and all and every other person or persons injured or attempted to be injured by any of the offences in the preceding sections of this act enumerated or described, shall be, and are hereby declared to be, good, competent, and sufficient witness or witnesses in law, against any offender or offenders who shall or hereafter may be indicted, presented, tried or arrested by virtue of this act, for any of the offences herein enumerated or described.

SECT. 10. *And be it further enacted by the authority aforesaid,* That none of the felonies created by this act shall work corruption of blood or feiture of estate, to any person or persons whomsoever.

The said felonies shall not work corruption of blood or forfeiture of estate.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 380.)

AN ACT*

To reform the Penal Code of this state, and to adapt the same to the Penitentiary System.

Preamble.

WHEREAS, the liberty of the citizens depends upon the excellence of criminal laws, and the proportion of punishments as nearly as may be to the different degrees of offences: and whereas, sanguinary and cruel punishments are only suited to despotic and arbitrary governments, and are totally incompatible with the principle of leniency and moderation which should distinguish the republicans above all other political institutions: and whereas, the adaption of the penal code to the penitentiary system is deemed, and has been proved by experience to be, the most moral, efficacious and merciful plan of punishment:

This code,
when to go
into operation.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,
That so soon as the penitentiary edifice of this state shall, by proclamation of the Governor, be declared in a fit condition for the reception of convicts, the following code shall be considered in full force and operation.

FIRST DIVISION.

Persons capable of committing crimes.

A crime or
misdemeanor
defined.

1. A crime or misdemeanor shall consist in a violation of a public law, in the commission of which there shall be an union or joint operation of act and intention.

Intention how
manifested.

2. Intention will be manifested by the circumstances connected with the perpetration of the offence and the sound mind and discretion of the person accused.

Who shall be
deemed of
sound mind.

3. A person shall be considered as of sound mind, who is of a proper age to know the distinction between good and evil; or who, upon being interrogated, has a correct conception of the offence with which he or she is accused.

* Repealed. See act of 1818, No. 382.

4. An infant of such tender years as to render it improbable that he or she should be impressed with a proper sense of moral obligation, or of sufficient capacity deliberately to have committed the offence, shall not be considered or found guilty of any crime or misdemeanor. (No. 380.)
 Infants, when incapable of committing crimes.

5. A lunatic shall not be found guilty of any crime or misdemeanor, committed by him or her whilst in the condition of insanity. Lunatics exempt from conviction.

6. An idiot shall not be found guilty or punished for any crime or misdemeanor with which he or she may be charged. Idiots not punishable.

7. Any person counselling, advising or encouraging an infant of such tender years, lunatic or idiot, to commit an offence, shall be prosecuted for such offence as principal, and, if found guilty, shall suffer the same punishment as would have been inflicted on said infant, lunatic or idiot, if he or she had possessed discretion, and found guilty. Any person advising, &c. an infant, lunatic or idiot, to commit a crime, how punished.

8. A feme covert, or married woman, acting under the threats, command or coercion of her husband, shall not be found guilty of any crime or misdemeanor not punishable by death or perpetual imprisonment; and with this exception, the husband shall be prosecuted as principal, and receive the punishment which otherwise would have been inflicted on the wife, if she had been found guilty: *Provided*, it appears from all the facts and circumstances of the case, that violent threats, command and coercion were used. Feme coverts acting under the coercion, &c. of their husbands, exempt from conviction in certain cases. The husband liable. Proviso.

9. Drunkenness shall not be an excuse for any crime or misdemeanor, unless such drunkenness was occasioned by the fraud, artifice or contrivance of other person or persons, for the purpose of having a crime perpetrated; and then the person or persons so causing said drunkenness for such malignant purposes, shall be considered a principal, and suffer the same punishment as would have been inflicted on the person committing the offence, if he or she had been possessed of reason and sound discretion. Drunkenness no excuse for crimes. Exception.

10. A person shall not be found guilty of any crime or misdemeanor, committed by misfortune and accident, and where it satisfactorily appears there was no design or intention. Acts committed by misfortune and accident, not punishable.

11. A slave committing a crime, not punishable with death or perpetual imprisonment, by the threats, command or coercion of his or her owner, or any person exercising or assuming authority over such slave, shall not be found guilty; and it appearing from all the facts and circumstances of the case, that the crime was committed by the threats, command and coercion of the owner, or person exercising or assuming authority over Slaves, in certain cases exempt from conviction for crimes committed under the threats, &c. of owners, &c.

(No. 380.) such slave, he or she, the said owner or person, shall be prosecuted for, and if found guilty of the crime, shall suffer the same punishment as he or she, the said owner or other person, would have incurred, if he or she had actually committed the offence with which the slave is charged.

A person committing a crime under certain violent menaces, &c. exempt from conviction.
Person so menacing how punished.

12. A person committing a crime or misdemeanor, under threats and menaces, which sufficiently show that his or her life or member was in danger, shall not be found guilty; and such threats and menaces being proved and established, the person or persons compelling by them the commission of the offence shall be considered a principal, and suffer the same punishment as if he, she or they had perpetrated the offence.

SECOND DIVISION.

Accessories in Crimes.

Accessory defined;

Called a principal in the second degree.

Accessory after the fact;

Called a principal in the third degree.

1. An accessory, is he who stands by, aids and assists, or who not being present, aiding, abetting or assisting, hath advised and encouraged the perpetration of the crime: he or she who thus aids, abets or assists, or advises, or encourages, shall be called a principal in the second degree.

2. An accessory is also a person who, after full knowledge that the crime has been committed, conceals it from the magistrate, or harbours and protects the person charged with, or found guilty of the crime: he or she, who thus conceals the offence, or harbours and protects the person guilty of it, shall be called a principal in the third degree.

THIRD DIVISION.

Crimes against God.

In what crimes against God shall consist.

1. A belief in the providence of God, his existence and superintending agency, in the concerns of individuals, and the destinies of nations, being essential to the happiness and morality of the people, the prosperity and welfare of the republic; crimes against God, shall, therefore, consist—in denying his existence, or a future state of rewards and punishments.

How punished.

2. Denying of God, or a future state of rewards and punishments, shall be punished, upon conviction, with being incapacitated to give testimony in a court of justice, or of serving in any office of honour, profit or trust in this state.

(No. 380.)

FOURTH DIVISION.

Crimes against the state and the people.

1. Crimes against the state and its people shall consist in treason in the first degree and second degree ; exciting or attempting to excite an insurrection or revolt of slaves. What shall constitute crimes against the state and people.
2. Treason in the first degree, shall consist in levying war against the state, in the same, or being adherent to the enemies of the state, within the same, giving to them aid and comfort in this state or elsewhere ; and thereof being legally convicted of open deed, by two or more witnesses, or other competent and credible testimony, or a voluntary confession, these cases shall be adjudged treason against the state and people. Treason in the first degree shall be punished with death. Treason in the first degree.
3. Treason in the second degree shall consist in the knowledge and concealment of treason, without otherwise assenting to or participating in the same. The punishment of treason in the second degree shall be solitary confinement, or hard labour, in the penitentiary, for any term not less than three years, nor longer than seven years. Treason in the second degree.
4. Exciting an insurrection or revolt of slaves, or any attempt by writing, speaking or otherwise, to excite an insurrection or revolt of slaves, shall be punished with death. Exciting or attempting to excite a revolt of slaves, punished with death.

FIFTH DIVISION.

Crimes and offences against the persons of citizens or individuals.

1. Murder is the killing of a human being, with malice, express or implied. Murder defined.
2. Express malice is that deliberate intention to take away the life of a fellow creature, which is manifested by external circumstances capable of proof. Express malice.
3. Malice shall be implied where no considerable provocation appears, and where all the circumstances of the killing show an abandoned and malignant heart. The punishment of murder shall be death. Implied malice.
4. Murder shall be denominated homicide in the first degree.
5. Manslaughter is homicide in the second degree. Manslaughter is the killing of a human creature without malice, express or implied, and without any mixture of delibe- Manslaughter defined.

(No. 380.) ration whatever. It must be voluntary, upon a sudden heat of passion; or involuntary, in the commission of an unlawful act, or a lawful act, without due caution and circumspection.

Voluntary manslaughter.

6. In all cases of voluntary manslaughter, there must be some actual assault upon the person killing, or an attempt by the person killed to commit a serious personal injury on the person killing. Provocation by words, threats, menaces, or contemptuous gestures, shall be in no case sufficient to free the person killing from the guilt and crime of murder. The killing must be the result of that sudden violent impulse of passion, supposed to be irresistible; for if there should appear to have been an interval between the assault or provocation given and the homicide, sufficient for the voice of reason and humanity to be heard, the killing shall be attributed to deliberate revenge, and punished as murder.

Punishment of voluntary manslaughter.

7. Voluntary manslaughter shall be punished by confinement, or labour, or solitude, in the penitentiary, for a term not less than one year, nor longer than five years.

Involuntary manslaughter defined.

8. Involuntary manslaughter shall consist in the killing of a human being, without any intention to do so; but in the commission of an unlawful act, or a lawful act, which probably might produce such a consequence.

In the commission of an unlawful act, how punished.

9. Involuntary manslaughter, in the commission of an unlawful act, shall be punished by confinement or labour, or solitude, in the penitentiary, for a term not less than six months, and not longer than three years.

In the commission of a lawful act where due caution has not been used.

10. Involuntary manslaughter, in the commission or performance of a lawful act, where there has not been observed necessary discretion and caution, shall be punished by confinement or labour, or solitude in the penitentiary, for a term not less than three months, and not longer than one year.

The jury may recommend a commutation of punishment in cases of manslaughter.

11. In all cases of voluntary or involuntary manslaughter, the jury may recommend the commutation of the punishment in the penitentiary for that of confinement in the common jail of the county where the offence may have been committed, and a fine to be imposed at the discretion of the court; which fine shall be paid to the clerk of the Inferior Court, for the use of the poor of the county where the conviction takes place.

Justifiable homicide defined.

12. There being no rational distinction between excusable and justifiable homicide, it shall no longer exist. Justifiable homicide is the killing of a human being in self-defence, or in defence of habitation, property or person, against one who manifestly intends or endeavours, by violence or surprise, to commit a known felony, such as murder, rape, robbery, burglary, and the like, upon either.

13. A bare fear of any of these offences, to prevent which the homicide is alleged (No. 380.) to have been committed, however well grounded such apprehension may be, will not justify or warrant the killing; there must be an actual danger at the time, and the felony must have been intended. What necessary to justify a homicide.
14. If a person invades or trespasses on the property or habitation of another, not with an intention to commit a felony, the killing shall be murder, manslaughter, or justifiable homicide, according to the circumstances of the case. The killing of a trespasser who has no felonious intent, how classed.
15. If a person kills another in his defence, it must appear that the danger was so urgent and pressing, that in order to save his own life, the killing of the other was absolutely necessary; and it must appear also, that the person killed was the assailant. Homicide in self-defence.
16. In no case shall a person justify the killing of another, under the pretence of necessity, unless he were wholly without fault, imputable by law, in bringing that necessity upon himself. Plea of necessity, when available.
17. Killing a slave in the act of revolt, or when the said slave resists a legal arrest, shall be justifiable homicide. Killing a slave in the act of revolt, &c.
18. In all cases, the killing or maiming a slave or person of colour, shall be put upon the same footing of criminality as the killing or maiming a white man or citizen. Killing or maiming a slave or person of colour.
19. If, after persuasion, remonstrance, or other gentle measures used, a forcible attack and invasion on the property or habitation of another cannot be prevented, it shall be justifiable homicide to kill the person so forcibly attacking and invading on the property or habitation of another; but it must appear that such killing was absolutely necessary to prevent such attack and invasion, and that a serious injury was intended, or might accrue to the person, property or family of the person killing. Homicide in repelling a forcible attack, &c. on one's property or habitation, when justifiable.
20. All other instances which stand upon the same footing of reason and justice as those enumerated, shall be justifiable homicide. General rule.
21. The homicide appearing to be justifiable, the person indicted shall, upon his trial, be fully acquitted and discharged. Acquittal, in case of justifiable homicide.
22. If any woman shall endeavour privately, either by herself or the procurement of others, to conceal the death of any issue of her body, male or female, which, if it were born alive, would by law be a bastard, so that it may not come to light, whether it was murdered or not, every such mother, being convicted thereof, shall suffer an imprisonment, An attempt to conceal the death of a bastard child, by its mother, how punished.

(No. 380.) ment at hard labour, or in solitude in the penitentiary, for any time not exceeding one year.

How a jury may find when a woman is charged in the same indictment with the murder of a bastard child, and with the foregoing offence.

For advising a woman pregnant with a bastard child to kill it, and after delivery she does so, adviser, how punished.

23. If the same indictment charges any woman with the murder of her bastard child, as well as with the offence in the preceding section, the jury by whom such woman shall be tried, may either acquit or convict her of both offences, or find her guilty of one, and acquit her of the other; and if any person shall counsel, advise or direct such woman to kill the child she is pregnant or goes with, and after she is delivered of such child, she kills it, every such person so advising or directing, shall be deemed accessory to such murder, and shall have the same punishment as the principal shall have.

For advising a woman pregnant with a bastard child to kill it, and after delivery she does so, adviser, how punished.

Probable proof that the child was born alive, required.

24. The constrained presumption, arising from the concealment of the death of any child, that the child whose death is concealed was therefore murdered by the mother, shall not be sufficient or conclusive evidence to convict the person indicted of the murder of her child, unless probable proof be given that the child was born alive, nor unless the circumstances attending it shall be such as shall satisfy the minds of the jury, that the mother did, wilfully and maliciously, destroy and take away the life of such child.

In certain cases of manslaughter, the felony may be waved, and the offender proceeded against for a misdemeanor. The felony and misdemeanor may be charged in the same indictment.

25. If any person shall be charged with voluntary or involuntary manslaughter, happening in consequence of an unlawful act, it may be lawful for the attorney or solicitor general, to wave the felony by leave of the court, and to proceed against, and charge such person with a misdemeanor; and such person, on conviction for said misdemeanor, shall be punished by paying a fine, to be appropriated as the court may direct, or the jury recommend, not exceeding one thousand dollars; and the attorney or solicitor general may, without obtaining the leave of the court, charge the felony and the misdemeanor in the same indictment; and the jury by whom the said person shall be tried, may find said person guilty of either charge.

Mayhem defined.

26. Mayhem shall consist in depriving a person, free or a slave, of a member, or disfiguring or rendering it useless.

Mayhems specified.

27. If any person shall unlawfully cut out or disable the tongue, put out an eye, slit the nose, ear or lip, or cut off or disable any limb or member of another, with intention, in so doing, to maim or disfigure such person, or shall voluntarily, maliciously, and of purpose, pull or put out an eye or eyes while fighting, or otherwise, every such person shall be guilty of mayhem.

Injuries to tongue, how punished.

28. A person convicted of cutting out or disabling the tongue, with the intention as expressed in the previous section, shall be punished by confinement and hard labour in the penitentiary, for a term not less than two years, nor longer than seven years.

29. A person convicted of putting out an eye, with the intention, or voluntarily and maliciously, as before expressed, in fight or otherwise, shall be punished by confinement and hard labour in the penitentiary, for any time not less than one year nor longer than five years; and a person convicted of putting or pulling out the eyes of another, or the eye of another, having but one eye, with a similar intention, or voluntarily and maliciously, while fighting or otherwise, shall be punished by solitary confinement and labour, for and during the term of his natural life.

(No. 380.)
For putting out an eye, offender how punished.
Putting out the eyes of another, or the eye of a person having but one, how punished.

30. A person convicted of biting, slitting or cutting of the nose, ear or lip of another, with the intention as before expressed, shall be punished by confinement and labour in the penitentiary, for a term not less than one year nor longer than three years.

Maiming the nose, ear or lip, how punished.

31. A person convicted of cutting off or disabling any limb or member of another, not herein designated, with the intention as before expressed, shall be punished by imprisonment and labour in the penitentiary, at the discretion of the court, for a term not less than one year, nor longer than five years.

For cutting off or disabling any limb, &c. not specified; The punishment.

32. Rape is the carnal knowledge of a female forcibly and against her will.

Rape defined.

33. Rape shall be punished by imprisonment at hard labour in the penitentiary, for a term not less than two years, nor longer than twenty years, as the jury may recommend.

Punishment.

34. An attempt to commit a rape shall be punished by imprisonment at hard labour in the penitentiary, for a term not less than one year, nor longer than five years, as the jury may recommend.

An attempt to commit a rape, how punished.

35. Sodomy and bestiality, shall be punished by imprisonment at hard labour, in the penitentiary, during the natural life or lives of the person or persons convicted of these detestable crimes.

Sodomy and bestiality, how punished.

36. An attempt to commit sodomy, shall be punished by imprisonment at hard labour in the penitentiary, for a term not less than two years, nor longer than three years.

An attempt to commit sodomy, how punished.

37. An assault is an attempt to commit a violent injury on the person of another.

Assault defined.

38. A bare assault shall be punished by fine or imprisonment, in the common jail of the county, at the discretion of the court.

How punished.

- (No. 380.) 39. An assault with an intent to murder, by shooting at, or stabbing, or using any weapon likely to produce death, shall be punished by fine, at the discretion of the court, and by imprisonment at hard labour in the penitentiary, for a term not less than one year, nor longer than five years, as the jury may recommend.
- Assault with intent to murder, how punished.
- General clause. 40. All other assaults upon, or attempts against, persons not mentioned or enumerated in this code, but heretofore indictable offences, shall be punished by fine or imprisonment, in the common jail of the county where the offence has been committed, at the discretion of the court.
- Battery defined. 41. Battery is the unlawful beating of another.
- How punished. 42. Battery shall be punished by fine or imprisonment, or both, at the discretion of the court, in the common jail of the county where the offence may have been committed; and in aggravated cases, requiring greater severity, the court may, upon the recommendation of the jury, punish the offender by an imprisonment in the penitentiary, at labour, for any term not less than six months, nor longer than one year.
- False imprisonment defined. 43. False imprisonment is a violation of the personal liberty of a free white person or citizen, and consists in confinement or detention, without sufficient legal authority.
- How punished. 44. The arrest, confinement or detention of a person or a citizen by another, having no process, warrant or legal authority to justify it, shall be punished by fine and imprisonment in the common jail of the county where the offence may have been committed, or either, at the discretion of the court: in all cases of an aggravated nature the court may, on the recommendation of the jury, order an imprisonment in the penitentiary, for any term not longer than two years.
- False imprisonment under a manifestly illegal warrant; The magistrate issuing it how punished. 45. The arrest, confinement or detention of a free person or citizen, by the warrant, mandate or process of a magistrate, being manifestly illegal, and showing malice, oppression and gross ignorance of duty, the said magistrate shall be removed from office, and be fined and imprisoned in the common jail of the county where the offence may have been committed.
- General clause. 46. All other crimes or offences against the persons of citizens not mentioned or enumerated in this code, but heretofore subject to prosecution by the laws adopted or in force in this state, shall, in future, be punished by fine and imprisonment, or either, in the common jail of the counties where said crimes and offences may have been committed, or by imprisonment at labour, or in solitude in the penitentiary, as the juries may think proper to recommend.

(No. 380.)

SIXTH DIVISION.

Crimes and offences against the habitations of citizens.

1. Crimes against the habitations of citizens shall consist of—1st, Arson, and 2d, Burglary.

2. Arson is the malicious and wilful burning of the house or out-house of another citizen. Arson defined.

3. Burning or setting fire to, or attempting to burn a house in a city, town or village, shall be punished with death. Arson in a city, &c. how punished.

4. Burning a dwelling-house on a farm or plantation, or elsewhere, (not in a city, town or village,) shall be punished by imprisonment at hard labour in the penitentiary, for any time not less than two years, nor longer than five years. Not in a city, &c. how punished.

5. Setting fire to a dwelling-house, with intent to burn the same, on a farm or plantation, or elsewhere, (not in a city, town or village,) shall be punished by imprisonment at hard labour in the penitentiary, for a term not less than one year, nor longer than two years. Setting fire to a dwelling-house, (not in a town, &c.) how punished.

6. Burning an out-house, such as a barn, stable or any other house, on a farm or plantation, or elsewhere, (not in a city, town or village,) shall be punished by imprisonment at hard labour, for any time not less than one year, nor longer than two years. Punishment for burning an out-house (not in a city, &c.)

7. Setting fire to an out-house, as before described, shall be punished by imprisonment at hard labour in the penitentiary, for any term not less than one year, nor longer than two years. Setting fire to an out-house.

8. The crime of burning shall be complete when the house is consumed or generally injured. The crime of burning, when complete.

9. The offence of setting fire to a house shall be complete when any attempt is made to burn, though no material injury is the consequence. The offence of setting fire to a house, when complete.

10. Arson in the day-time, (except when committed in a city, town or village,) shall be punished with a shorter period of imprisonment at hard labour in the penitentiary, at the discretion of the court, than arson committed in the night. Arson in the day-time.

(No. 380.) 11. Arson, committed elsewhere than in a city, town or village, which produces the death of any person, shall be punished with the death of the person or persons committing the arson.

Burglary defined.

12. Burglary is the breaking or entering into the dwelling or mansion-house, with intent to commit a felony :—All out-houses contiguous to, and within the curtilage, or protection of the mansion-house, shall be considered as parts of the mansion or dwelling-house. A hired room or apartments in a public tavern, inn or boarding-house, shall be considered as the dwelling-house of the person or persons occupying and hiring the same.

May be committed in the day or night.

Burglary may be committed in the day or night.

Burglary in the day-time, how punished.

13. Burglary in the day-time, shall be punished with an imprisonment at hard labour in the penitentiary, for any time not less than one year, nor longer than five years.

In the night, how punished.

14. Burglary in the night, shall be punished by imprisonment at hard labour in the penitentiary, for any time not less than one year, nor longer than seven years.

SEVENTH DIVISION.

Of crimes and offences relative to property.

Robbery defined.

1. Robbery is the open and violent taking of money or goods from the person of another, by force or intimidation.

Robbery by open force, &c. how punished.

2. Robbery by open force and violence, shall be punished by restitution of the goods so stolen, or the value thereof, at the time of such taking, and by imprisonment in the penitentiary at hard labour, or in solitude, for any time not less than one year, nor longer than five years, as the jury may recommend.

By intimidation, or without force, &c. how punished.

3. Robbery by intimidation, or without using force and violence, shall be punished by the restitution of the goods so stolen, or the value thereof, at the time of such taking, and by imprisonment in the penitentiary at hard labour or in solitude, for any time not less than one year, nor longer than three years, as the jury may recommend.

When restitution, &c. cannot be made, confinement to be longer.

4. If the offender has no goods, effects or estate, then the confinement shall be greater than the discretion of the court would otherwise impose.

5. Theft or larceny, as contradistinguished from robbery by violence, force or intimidation, shall consist of,—1st. Simple theft or larceny.—2d. Theft or larceny, from the person.—3d. Theft or larceny, from the house.—4th. Theft or larceny, after a trust or confidence has been delegated or reposed.

(No. 380.)
The several kinds of larceny.

6. Simple larceny, is the feloniously taking and carrying away the personal goods of another.

Simple larceny defined.

7. Simple larceny shall embrace every theft which deprives another of his property, or of those means or muniments by which the right and title to property may be ascertained.

What shall be comprehended under it.

8. Horse stealing shall be denominated simple larceny, or theft.

Horse stealing.

9. The term horse shall include the animal of both sexes, and without regard to the alterations which may be made by artificial means.

Operation of the term horse.

10. Under the head of horse stealing, shall be included the theft of mule or ass, or any animal the hoof of which is not cloven.

What may be included under the head horse stealing.

11. The offence shall in all cases be charged as horse stealing, but the indictment shall designate the sex of the animal, and give any other description by which its identity may be ascertained.

The offence, how charged, and the animal how designated.

12. The stealing or theft of a horse, mule or ass, shall be punished by the restitution of the animal stolen, or the value thereof at the time of such taking, and imprisonment at hard labour in the penitentiary, for any time not less than one year, nor longer than five years.

The stealing of a horse, &c. how punished.

13. The stealing of horses, mules or asses, shall be punished by the restitution of the animals stolen, or the value thereof at the time of such taking, and imprisonment at hard labour in the penitentiary, for any time not less than two years, nor longer than seven years.

The stealing of horses, &c. how punished.

14. If the offender hath no property wherewith to pay the said value, then the imprisonment at hard labour shall be enlarged to any period, as the jury may recommend, but within the terms before prescribed: *Provided*, such enlarged period of imprisonment would not have been inflicted if the said retribution had been made.

When the offender cannot render the said value, punishment to be enlarged.
Proviso.

(No. 380.) 15. Cattle stealing shall include the theft or larceny of any horned animal or animals, and all animals having the hoof cloven, except hogs.

Requisite of the indictment. 16. The indictment shall sufficiently describe the animal or animals, falling under the preceding section, so that it or they may be ascertained and identified by the owner or owners thereof.

The theft of one animal of the foregoing description, how punished. 17. The stealing of one animal under the before given description of cattle, shall be punished by paying to the owner the value of the animal, and imprisonment in the common jail of the county where the offence may have been committed, or at hard labour in the penitentiary, as the jury may recommend, for any time not less than six months, nor longer than one year.

The theft of more than one. 18. The stealing of animals under the foregoing description of cattle, shall be punished by restitution, or paying to the owner or owners the value of the animals so stolen, and imprisonment at hard labour in the penitentiary, for any time not less than one year, nor longer than two years, as the jury may recommend.

Where the aforesaid value cannot be rendered, the punishment may be increased. 19. If the offender or offenders should not have wherewith to pay the aforesaid value, the punishment may be enlarged by the court, as the jury may recommend, to the same discretionary extent as is given for a similar incapability in the case of horse stealing.

The stealing of a hog, how punished. 20. The stealing of a hog shall be punished by paying to the owner its value, and imprisonment in the common jail of the county where the offence may have been committed, for any time not less than one month, nor longer than six months.

The stealing of hogs, how punished. 21. The stealing of hogs shall be punished by paying to the owner or owners thereof the value of said hogs, and by imprisonment in the common jail of the county, or in the penitentiary, at hard labour, for any time not less than nine months, nor longer than two years, as the jury may recommend.

When the offender cannot pay the said value, the punishment may be enlarged. 22. If the offender or offenders have not wherewith to pay the said value, the court may, on the recommendation of the jury, exercise the same discretionary power as is given in the preceding sections in the cases of horse and cattle stealing.

The changing or altering the marks and brands of any of said animals, how punished. 23. If any person or persons shall alter or change the marks or brands of any animal or animals before mentioned, with an intention to claim the same, or to prevent identification by the true owner or owners thereof, the person or persons so offending shall suffer the same punishment, and the court shall exercise the same discretion on the re-

commendation of the jury, as is inflicted and given for the theft of the said animal or (No. 380.) animals.

24. All other domestic animals or creatures, which are fit for food, may be subjects of larceny. What other animals may be subjects of larceny.

25. The punishment for the theft of such domestic animals or creatures which are fit for food, shall be by fine or imprisonment, or both, in the common jail of the county, as the jury may recommend. The theft of such, how punished.

26. Larceny may be committed of writings relating to the real or personal estate. Title papers subjects of larceny.

27. If any person shall take and carry away any paper or papers, documents, deeds or other writings, relating to real estate, with an intention to impair, prevent or render difficult the establishment of a title to real or personal estate, or mutilate, cancel, burn, or otherwise destroy said papers, documents, deeds or writings, with the same intention, such person shall be considered guilty of simple larceny or theft, and punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than two years, as the jury may recommend. Offences concerning title papers;
How punished.

28. The theft of a bond or bonds, note or notes, bank bill or bills, or any paper or papers securing the payment of money, or of a receipt or receipts, or any paper or papers operating as a discharge for the payment of money, shall be punished in the same manner as the theft of the money the said bond or bonds, note or notes, bill or bills, or other papers were meant to secure; or, of the money the said receipt or receipts, or other paper or papers, were meant to discharge the payment thereof; the punishment for this larceny, shall be imprisonment at hard labour, in the penitentiary, or in solitude, for any time not less than one year, nor longer than three years, as the jury may recommend. The theft of bonds, notes, bills, receipts, &c. how punished.

29. Theft or larceny may be committed of any thing or things, which, in the language of the law, savours of the reality, or of any fixture or fixtures, and the punishment shall be fine or imprisonment, or both, in the common jail of the county, or in the penitentiary, at labour, or in solitude, as the jury may recommend. Fixtures, &c. subjects of larceny.

30. Plundering or stealing from a vessel in distress, or from a wreck, within the jurisdictional limits of this state, shall be punished by restitution to the owner or owners the value of the goods or property stolen or plundered, and also imprisonment at hard labour in the penitentiary, for any time not less than one year, nor longer than five years: and if the offender or offenders hath or have not wherewith to pay the value, Plundering vessels in distress, how punished.

(No. 380.) then he or they shall be punished by an imprisonment at hard labour, for any time not less than five years, nor longer than seven years, as the jury may recommend.

The embezzlement, &c. of any bills, &c. belonging to any bank chartered by this state, by any officer or servant thereof, how punished.

31. If an officer or servant, or other person employed in a bank, deriving its charter from the legislature of this state, shall steal, secrete, or embezzle, or run away with, any note or notes, bank bill or bills, warrant or warrants, bond or bonds, deed or deeds, security or securities, draft or drafts, check or checks, money or effects, entrusted with him or the directors of said bank, such offender shall be punished by imprisonment, at hard labour or in solitude, in the penitentiary, for any time not less than three years, nor longer than seven years, as the jury may recommend.

The felonious taking and carrying away a slave, how punished.

32. Any person or persons, who shall feloniously take and carry away a slave, shall be punished by paying the owner of said slave the value of said slave, and also by imprisonment at hard labour in the penitentiary, for any time not less than three years, nor longer than five years; and if the offender or offenders have no estate or effects out of which the said value can be paid, then the said offender or offenders shall be punished by confinement in the penitentiary, at hard labour or in solitude, for any time not less than five years, nor longer than seven years, as the jury may recommend.

Punishment for feloniously taking away slaves.

33. Any person or persons who shall feloniously take and carry away slaves, shall pay to the owners of said slaves their value, and also be imprisoned, at hard labour or in solitude, in the penitentiary, for any time not less than three years, nor longer than seven years, as the jury may recommend.

Inveigling slaves from their owners;

34. If any person or persons shall, by any enticement, or by giving a pass, or by any other means, induce a slave or slaves to run away from his, her or their owner or owners, with an intention feloniously to sell said slave or slaves, or otherwise to deprive the said owner or owners of the services of said slave or slaves, such person or persons, so offending, shall pay the value of said slave or slaves to the owner or owners thereof; and also be punished by imprisonment, at hard labour, for any time not less than three years, nor longer than seven years, as the jury may recommend.

How punished.

General clause.

35. All larcenies or simple thefts of the personal goods of others, not mentioned or particularly designated in this code, shall be punished by imprisonment in the common jail of the county where the said offences may have been committed, or by imprisonment, in solitude or at hard labour, in the penitentiary, if the jury should recommend that mode of punishment; but no imprisonment shall be directed or ordered in the penitentiary, unless the goods stolen shall be of the value of twenty dollars.

36. In every case of simple larceny or theft, where a pecuniary compensation is not mentioned in this code, the person convicted shall pay to the owner of the goods stolen, the full value of said goods, and upon doing so, the imprisonment in the common jail of the county or penitentiary shall in no case exceed one year; but if the offender is not able, out of any estate or effects which he may be possessed of, or by other means, to pay the full value of the stolen goods, then the recommendation of the jury shall not extend to inflict imprisonment at hard labour in the penitentiary for a longer period than two years: and in every case of larceny, where a pecuniary compensation is mentioned, and the person convicted is not able to pay the same, then the imprisonment at hard labour or in solitude shall be extended, as the jury may recommend: *Provided*, that recommendation is not restricted by a designation in this code of the period of punishment.

(No. 380.)
Regulations
with regard to
the payment
of the value of
goods, &c. &c.

THEFT, OR LARCENY FROM THE PERSON.

37. Theft, or larceny from the person, as distinguished from robbery, before described, is the offence of feloniously taking any money, goods, effects or chattels, or any article of value, from the person of any other, privately, without his knowledge, in any place whatever.

Larceny from
the person de-
fined.

38. A person convicted of this class of larceny shall pay, if he is able to do so, the amount or value of the money, goods, effects or chattels, or articles so privately stolen, or as much of said amount or value as he may be able to pay, and also be imprisoned in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than five years: but if the person so convicted shall not be able to pay the said amount or value, then the punishment shall be increased to an imprisonment, at hard labour or in solitude, for not less than three years, nor longer than seven years, as the jury may recommend.

Offender, how
punished.

39. If the goods, money, chattels or effects, or any article so privately stolen from the person, do not amount to, or are of the value of twenty dollars, then the person convicted shall be punished, by paying to the owner of said goods, money, chattels, effects or article, the full value thereof, and shall be further punished by imprisonment in the common jail of the county where the offence may have been committed, or by imprisonment at hard labour, in the penitentiary, or in solitude, for any time not longer than one year, as the jury may recommend.

Offender, how
punished
when the
goods taken
amount only
to \$20, or
less.

40. If this offence is committed in a public place, or where many persons are assembled, it shall be considered as greatly adding to the criminality of the action, and the punishment shall be proportionably increased and enlarged, as the jury may recommend, before which the conviction may take place.

If the offence
be committed
in a public
place, the
punishment
enlarged.

- (No. 380.) 41. Any sort of secret or sudden taking from the person, without using intimidation or open force and violence, shall be within this class and description of larceny, though some small force be used by the thief to possess himself of the property. *Provided*, there be no resistance by the owner, or injury to his person, and all the circumstances of the case show that the thing was taken, not so much against as without the consent of the owner.

General
clause.
Proviso.

LARCENY FROM THE HOUSE.

42. Larceny from the house, is the entering or breaking any house, (other than a dwelling-house, or its appertenances,) with an intent to steal, or after entering or breaking said house, stealing therefrom any money, goods, chattels, wares, merchandize, or any thing or things of value whatever.

Larceny from
the house de-
fined.

43. All and every person and persons, who by night or day shall, in any store, shop, or warehouse, or any other house or building, privately and feloniously steal any goods, wares or merchandize, or any other article or articles, thing or things of value, though such store, shop or warehouse, or other house or building, be not actually broken open by such offender or offenders, or shall assist, hire or command any person to commit such offence, shall be punished by paying the value of said goods, wares, merchandize, article or articles, thing or things so privately stolen, and also be imprisoned, at hard labour or in solitude, in the penitentiary, for any time not less than one year, nor longer than five years: but if the said offender or offenders is not able to pay the said pecuniary compensation, then the punishment shall be increased by an imprisonment at hard labour in the penitentiary, for any time not less than two years, nor longer than seven years, as the jury may recommend.

Larceny from
the house,
how punished.

When a pecu-
niary equiva-
lent cannot be
rendered,
punishment
enlarged.

44. Any person or persons, entering a house or building, as before described, with intent to steal, but is detected and prevented from so doing, shall be punished by imprisonment at hard labour in the penitentiary, or in solitude, for any period not less than one year, nor longer than three years, as the jury may recommend.

Entering a
house with in-
tent to steal,
how punished.

45. Any person or persons, breaking any part of a house or building, as before described, with intent to steal, but is detected and prevented from effecting such intention, shall be punished by imprisonment, in solitude or at hard labour, in the penitentiary, for any time not less than one year, nor longer than three years, as the jury may recommend; but if the owner of said house or building, or any other person, be in such house at the time of breaking, and put in fear, then the said offender or offenders shall be punished by imprisonment at hard labour in the penitentiary, for any time not less than two years, nor longer than seven years, as the jury may recommend.

Breaking a
house with in-
tent to steal,
how punished.

46. Any person breaking and entering a house or building as before described, with intent to steal, but is detected and prevented from carrying said intention into effect, shall be punished by imprisonment, in solitude or at hard labour, in the penitentiary, for any time not less than one year, as the jury may recommend; and any person breaking and entering any house as before described, under this class of larceny, and stealing from said house or building any goods, wares or merchandize, article or articles, thing or things of value, shall pay to the owner or owners thereof the value of said goods, wares, merchandize, article or articles, thing or things of value, and be also punished by imprisonment at hard labour, in the penitentiary, for any time not less than two years, nor longer than five years; but if the offender or offenders are not able to pay the said value, then the said offender or offenders shall be punished by imprisonment at hard labour, in the penitentiary, for any time not less than three years, nor longer than seven years, as the jury may recommend.

(No. 380.)

Punishment for breaking and entering a house with such intent.

For breaking, entering, and stealing therefrom, how punished.

47. If the said breaking, entering and stealing be accompanied by any violence, menace or threat, or by alarming and putting in fear any person in said house, then the imprisonment at hard labour shall be extended to the longest period mentioned under this class of larceny.

Punishment enlarged when the offence is accompanied by violence, &c.

48. Entering or breaking with intent to steal, entering and stealing, breaking and stealing, breaking and entering with intent to steal, breaking and entering and stealing, from any house, building or edifice, belonging to the state or a corporate body, or appropriated for any public purpose, shall be punished in the same manner as if the offence had been committed in any private house or building, as before described under this class of larceny.

The foregoing provisions extended to buildings belonging to the public or any corporate body.

49. Accessories, or persons assisting, commanding or advising any person to commit any offence under this class of larceny, shall receive the same punishment as may be inflicted on the principal or principals.

Accessories to offences under this head, how punished.

50. Any person entering and stealing from any hut, tent, booth or temporary building, shall be punished in the same manner, as if the offence had been committed by privately stealing from a house or building, as before described under this class of larceny.

The foregoing provisions extended to temporary buildings, &c.

THEFT OR LARCENY AFTER A TRUST HAS BEEN DELEGATED OR A CONFIDENCE REPOSED.

51. Any servant, officer or person, employed in any public department, station or office of the government of this state, or any county of this state, or in any office of a

Larceny after a trust has been reposed.

(No. 380.) corporate body, who shall embezzle, steal, secrete, or fraudulently take and carry away, any money, goods, chattels, effects, bond or bonds, promissory note or notes, commonly called bank bills or notes, or any other security for the payment of money, of whatever description it may be, being the property of said state, county or corporate body, shall be punished by paying to said state, county or corporate body, the amount of money, or other property, as before enumerated, so embezzled, secreted, stolen, or taken and carried away; and also be imprisoned in the penitentiary, at hard labour or in solitude, for any time not longer than five years, as the jury may recommend.

A pecuniary equivalent to be rendered.
Penitentiary imprisonment.

Any person destroying any deed, lease, will, bond, and other instruments in this section designated;

How punished.

52. If any person shall fraudulently or maliciously tear, burn, or in any other way destroy, any deed, lease, will, bond, or any other writing sealed, or any bank bill or note, check, draft, or other security for the payment of money, or the delivery of goods, or any certificate, or other public security of this state, or of the United States, or any of them, for the payment of money, or any receipt, acquittance, release, discharge of any debt, suit, or other demand; or any transfer or assurance of money, stock, goods, chattels, or other property, or any letter of attorney, or other power, or any day-book, or other book of account, or any agreement or contract whatever, with intent to defraud, prejudice or injure any person or body corporate, the person so offending shall, on conviction, be punished by paying a fine not exceeding one thousand dollars; and also be imprisoned in the penitentiary, at labour, hard labour, or in solitude, for any time not less than one year, nor longer than three years, as the jury may recommend; but if the offender is not able to pay the said fine, then he shall be imprisoned at hard labour, for any period of time not exceeding five years, as the jury may recommend.

Offences with regard to land marks;
How punished.

53. If any person shall knowingly, maliciously or fraudulently, cut, fell, alter or remove any certain boundary tree, or other allowed land-mark, to the wrong of his neighbour, or any other person, he or she shall, on conviction, be punished by paying a fine not exceeding five hundred dollars, and be imprisoned in the penitentiary, at labour, hard labour, or in solitude, for any time not exceeding one year, as the jury may recommend.

FORGERY AND COUNTERFEITING.

Any person forging, counterfeiting or altering any of the instruments, writings or securities, in this section designated;

54. If any person or persons shall falsely make, forge, alter or counterfeit, or cause or procure to be falsely made, forged, altered or counterfeited, or willingly act or assist in falsely making, forging or counterfeiting, any audited certificate, or other certificate issued by the auditor general, or other officer authorized to issue the same; or any order or warrant, issued by the Governor or the president of the Senate, or speaker of the House of Representatives of the General Assembly of this state, or by any officer of the government or authorized person, on the treasury of said state, for any money or

other thing, or any warrant for land issued by the justices of any land court, or by any (No. 380.)
 other tribunal, officer or person authorized to do so within this state ; or any certificate,
 draft, warrant or order, from any of the public officers of this state, issued under or by
 virtue of any act or resolution of the legislature, or General Assembly of this state, or
 any certificate, draft, order or warrant, issued by any court, officer or person authorized
 to draw on the treasury of this state, or for public money, wherever the same may be
 deposited, or any deed, will, testament, bond, writing obligatory, bill of exchange, pro-
 missory note, or order for money or goods, or any indorsement or assignment of any
 bond, writing obligatory, bill of exchange, promissory note, or order for money or
 goods, with intent to defraud the said state, public officer or officers, courts, or any per-
 sons authorized, or any person or persons whatever ; or shall utter or publish, as true,
 any false, forged, altered or counterfeited audited certificate, Governor's, president's,
 speaker's, or other public officer's, court's, or person's duly authorized, certificate, draft,
 warrant or order, so as aforesaid issued, or any deed, will, testament, bond, writing obli-
 gatory, bill of exchange, promissory note or order for money, and goods or acquittance,
 and receipt for money or goods, or any indorsement or assignment of any bond, writ-
 ing obligatory, bill of exchange, promissory note, or order for money or goods, with
 intent to defraud the said state, public officers, courts or persons authorized as afore-
 said ; or any person or persons whatsoever, knowing the same to be so falsely made,
 forged, altered, or counterfeited, every such person or persons, so offending, and being
 thereof convicted, shall be punished by imprisonment in the penitentiary, at hard labour,
 or in solitude, for any period of time not less than two years, nor longer than ten
 years, as the jury may recommend, and shall also pay a fine not exceeding five hundred
 dollars : but if the offender or offenders shall not be able to pay the fine imposed,
 then the imprisonment may be increased and enlarged, to any time not exceeding fifteen
 years, as the jury may recommend.

Or who shall
 utter or pub-
 lish as true
 any of the
 said forged,
 altered, or
 counterfeited
 instruments,
 &c.

How punish-
 ed.

55. If any person shall falsely and fraudulently make, forge or counterfeit, or be con-
 cerned in the false and fraudulent making, forging and counterfeiting of any gold, silver
 or copper coin, which now is, or shall be passing or in circulation, within this state, or
 shall falsely and fraudulently utter, publish, pay or tender in payment, any such coun-
 terfeit and forged coin of gold, silver or copper, knowing the same to be forged and
 counterfeited, or shall aid, abet, counsel or command the perpetration of either of the
 said crimes, such person shall, on conviction, be punished by a fine not exceeding five
 hundred dollars, and also undergo an imprisonment at labour, hard labour, or in soli-
 tude, in the penitentiary, for a period of time not exceeding ten years, as the jury may
 recommend : but if the person offending is not able to pay a fine, then he or she shall
 be punished by imprisonment at hard labour, for any period of time not exceeding fif-
 teen years, as the jury may recommend.

Any person
 counterfeit-
 ing any gold,
 silver or cop-
 per coin ;

Or who shall
 pass or tender
 in payment
 such counter-
 feit coin ;

Or shall aid in
 either of said
 offences ;

How punish-
 ed.

- (No. 380.) Counterfeiting, &c. bank bills, notes, &c.
How punished.
56. If any person shall falsely and fraudulently make, sign or print, or be concerned in the false and fraudulent making, signing or printing any counterfeit note or bill, of a bank of this state, or the note or bill of any incorporated bank, whose notes or bills are in circulation in this state, or falsely and fraudulently cause or procure the same to be done, such person, on conviction, shall be punished by a fine not exceeding one thousand dollars, and also undergo an imprisonment in the penitentiary, at labour, hard labour, or in solitude, for any period not exceeding ten years, as the jury may recommend: but if said person so offending shall not be able to pay the said fine, then he or she shall be punished by imprisonment at hard labour, for any period of time not exceeding fifteen years, as the jury may recommend.
- Forgery of bank checks and drafts;
How punished.
57. If any person shall falsely and fraudulently make, sign or print, or be concerned in the false and fraudulent making, signing or printing of any check or draft, upon any bank of this state, or bank as aforesaid, or falsely and fraudulently cause the same to be done, such person, on conviction, shall suffer the same punishment as is mentioned for the crime in the preceding section.
- The fraudulent alteration of any genuine bill, note, &c. how punished.
58. If any person shall falsely and fraudulently alter, or be concerned in the false and fraudulent alteration of any genuine note, bill, check or draft as aforesaid, or falsely and fraudulently cause or procure the same to be done, the person so offending shall suffer the same punishment as is prescribed for the crime of falsely and fraudulently making, signing and printing any bank bill or note in the fifty-sixth section.
- For fraudulently passing, &c. any forged, counterfeit or altered note, &c. offender how punished.
59. If any person shall falsely and fraudulently pass, pay, or tender in payment, utter or publish, any false, forged, counterfeit or altered note, bill, check or draft, as aforesaid, knowing the same to have been falsely and fraudulently forged, counterfeited or altered, the person so offending shall, upon conviction, be punished by a fine not exceeding one thousand dollars, and also undergo an imprisonment at labour, hard labour, or in solitude, in the penitentiary, for any time not exceeding ten years, as the jury may recommend: but if the person so convicted is not able to pay the fine, then he or she shall be punished by imprisonment in the penitentiary at hard labour, for any period of time not exceeding fifteen years, as the jury may recommend.
- For having in possession such counterfeit or altered notes, &c. with intent to pass the same, how punished.
60. If any person shall have in his or her possession any such false, forged, counterfeit or altered note or notes, bill or bills, draft or drafts, check or checks, with intention fraudulently to pass the same, such person, on conviction, shall be punished, by imprisonment in the penitentiary at hard labour, for any period of time not exceeding fifteen years, as the jury may recommend.

61. If any person shall have in his or her possession any bank paper, types, plates or machinery, for the purpose of falsely or fraudulently forging and counterfeiting any notes, bills, checks or drafts as aforesaid, the person so offending shall be punished by imprisonment at hard labour in the penitentiary, for any period of time not exceeding fifteen years, as the jury may recommend.

(No. 380.)

For having in possession machinery, &c. for the purpose of forgery, &c. offender how punished.

62. If any person shall falsely and fraudulently make, forge or counterfeit, any note, bill, draft, check of or on any person, body corporate, company, or mercantile house, or firm, or fraudulently and falsely utter, publish, pass, pay or tender the same in payment, or demand payment of the same, knowing the said bill, note, draft or check to be forged and counterfeit, such person so offending shall be punished by a fine not exceeding five hundred dollars, and also undergo an imprisonment in the penitentiary, at labour, hard labour, or in solitude, for any period of time not exceeding ten years, as the jury may recommend: but if such person so offending is not able to pay the said fine, then he or she shall be punished by imprisonment at hard labour in the penitentiary, for any time not exceeding twelve years, as the jury may recommend.

The forgery or counterfeiting of any note, &c. on any person, body corporate, &c. How punished.

63. If any person shall fraudulently make, sign or alter, or be concerned in the fraudulent making, signing or altering any other writing, with intent to defraud any person or persons, or body corporate, or shall fraudulently cause or procure the same to be done, the person or persons so offending shall, on conviction, be punished by imprisonment at hard labour in the penitentiary, for any period of time not exceeding five years, as the jury may recommend.

The forgery, &c. of other writings, not specified, how punished.

64. If any person shall falsely and fraudulently forge or counterfeit, or falsely be concerned in the forging and counterfeiting the great seal of this state, or any seal used for government purposes, the public and common seal of any court, office, county, or a corporation, or any other seal authorized by law, or shall falsely and fraudulently cause or procure the same to be forged and counterfeited, or shall falsely and fraudulently utter or publish any instrument or writing whatever, impressed with such forged and counterfeit seal, knowing the same to be forged and counterfeit, the person so offending shall be punished by a fine not exceeding one thousand dollars, and also undergo an imprisonment in the penitentiary, at labour, hard labour, or in solitude, for any period of time not exceeding ten years, as the jury may recommend: but if the said person so convicted shall not be able to pay the fine imposed, then he or she shall be punished by imprisonment in the penitentiary at hard labour, for any period of time not exceeding fifteen years, as the jury may recommend.

The offences of forgery and counterfeiting, with regard to public seals, &c. and of uttering any instrument impressed with such counterfeit seal;

How punished.

65. Any person who shall draw or make a bill of exchange or promissory note, or indorse or accept the same in a fictitious name, shall be guilty of forgery, and on conviction, be punished by fine equal to the amount of the bill or note so drawn, made, in-

Drawing, indorsing or accepting a note or bill of exchange in

(No. 380.) dorsed or accepted, and also undergo an imprisonment at labour, hard labour, in the penitentiary, for any period of time not exceeding five years, as the jury may recommend: but if the person so convicted is not able to pay the said fine, then he or she shall be punished by imprisonment at hard labour, for any time not exceeding ten years, as the jury may recommend.

Any one who shall put his name to an instrument, representing himself to be another person of that name, how punished.

66. If any person shall put his own name to any instrument, representing himself to be a different person of that name, such person shall be guilty of forgery, and upon conviction, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any period of time not exceeding seven years, as the jury may recommend.

Fraudulently obtaining goods, &c. from any one by means of any counterfeit letter, &c. how punished.

67. If any person shall, designedly, by colour of any counterfeit letter or writing, made in any other person's name, or fictitious name, obtain from any person money, goods, chattels or other valuable thing, with intent to defraud any person, mercantile house, or body corporate of the same, the person so offending shall be punished by a fine equal to the value of the goods so fraudulently obtained, and also undergo an imprisonment in the penitentiary at labour, hard labour, or in solitude, for any period of time not exceeding five years, as the jury may recommend: but if the person so offending is not able to pay the fine, then he or she shall be punished by hard labour in the penitentiary for any period of time not exceeding seven years, as the jury may recommend. If the person, mercantile house or corporate body shall not have gotten a repossession of the goods, money, chattels or other valuable thing so fraudulently obtained, the amount of said fine shall, by order of the court, be paid over to said person, mercantile house or corporate body.

EIGHTH DIVISION.

Crimes and offences against the public justice.

Perjury and subornation of perjury.

1. If any person shall wilfully and corruptly commit perjury, or shall by any means procure or suborn any person to commit wilful and corrupt perjury, on his or her oath or affirmation, legally administered in any judicial proceeding, matter or cause, which may be depending in any of the courts of this state, or before any judge, justice, mayor, alderman, or other magistrate, or before any notary public, arbitrator or clerk, or any deposition or affidavit, taken for any purpose whatever, or in any deposition taken pursuant to the laws of this state, or of the rules, orders and directions of any court, judge or arbitration, or if any person, in taking any other oath or affirmation, required by an act of the General Assembly of this state, shall be guilty of wilfully and corruptly making a false oath or affirmation, or if any person shall procure or suborn any other

person to make any such false oath or affirmation; every person so offending shall, on conviction, be punished by a fine not exceeding one thousand dollars, and also undergo an imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than three years, nor longer than ten years, as the jury may recommend; and shall, moreover, be for ever disqualified from being a witness in any matter in controversy. . (No. 380.) Punishment thereof.

2. Any verdict or judgment, rule or order of court, which may have been obtained or entered up, shall be set aside, and be of no effect, if it shall appear that the same was obtained or entered up, in consequence of wilful and corrupt perjury. Any verdict, &c. obtained through perjury to be set aside.

3. If any person, by wilful and corrupt perjury, shall take away the life of another, or by such wilful and corrupt perjury, convict another of an offence which by this code is punishable with death or perpetual imprisonment, such person shall be punished with death or perpetual imprisonment. For taking away the life of any one, or procuring a conviction for an offence punishable by how punished.

death or perpetual imprisonment, by perjury, offender,

4. If any person shall, directly or indirectly, give, or offer to give, any money, goods, or other bribe, present or reward, or give or make any promise, contract or agreement, for the payment, delivery or alienation of any money, goods or other bribe, or use any promises, threats, persuasions, or other like sinister, unfair or fraudulent practices, in order to obtain or influence the opinion, judgment, decree or behaviour of any member of the General Assembly, or any officer of this state, judge, juror, justice, referee or arbitrator, in any discussion, debate, action, suit, complaint, indictment, controversy, matter or cause depending, or which shall depend, before him or them, such person shall, on conviction, be punished by a fine not exceeding five hundred dollars, and undergo an imprisonment in the penitentiary, at labour or in solitude, for any time not exceeding five years, as the jury may recommend; and the member of the General Assembly, or officer, judge, juror, justice, referee or arbitrator, who shall accept or receive such bribe, shall, on conviction, be punished by a fine not exceeding one thousand dollars, and undergo an imprisonment in the penitentiary, at labour, for any period of time not exceeding ten years, as the jury may recommend. Bribery, or an attempt to bribe, &c. How punished. For accepting such bribe, offender, how punished.

5. If any judge, justice, mayor, alderman, clerk, sheriff, coroner or other public officer, or any other person whatever, shall steal, embezzle, alter, corrupt, withdraw, falsify, or avoid any record, process, charter, gift, grant, conveyance or contract, or shall knowingly and willingly take off, discharge or conceal, any issue, forfeited recognisance or other forfeiture, or shall forge, deface or falsify any document or instrument recorded, or any registry, acknowledgment or certificate, or shall alter, deface or falsify any minute, document, book or any proceeding whatever, of or belonging to any public office within this state; or if any person shall cause or procure any of the offences aforesaid The offence of embezzling, altering, &c. any records, &c. and other offences with regard to documents and papers in this section, designated;

(No. 380.) to be committed, or to be in any wise concerned therein, the person so offending shall be punished by a fine not exceeding one thousand dollars, and also undergo an imprisonment in the penitentiary, at hard labour, labour, or in solitude, for any time not less than one year, nor longer than ten years, as the jury may recommend.

Jailors, how punished for compelling a prisoner to become an approver, &c. and for other inhumanity.

6. If any jailor, by too great a duress of imprisonment, or other cruel treatment, makes, or induces a prisoner to become an approver, or to accuse and give evidence against some other person, or be guilty of wilful inhumanity or oppression to any prisoner under his care and custody, such jailor shall be punished by removal from office, and fined in a sum not exceeding one hundred dollars; and moreover, undergo an imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than two years, as the jury may recommend.

Any officer who shall withhold official records, &c. from his successor, or who shall mutilate, take away or destroy the same, &c.
How punished.

7. If any officer, after the expiration of the time for which he may have been appointed or elected, shall wilfully and unlawfully withhold or detain from his successors the records, papers, documents or other writings appertaining and belonging to his office, or mutilate, destroy, take away, or otherwise prevent the complete possession by his said successor of said records, documents, papers or other writings; such person, so offending, shall be sentenced to pay a fine, and to undergo an imprisonment in the common jail of the county, or in the penitentiary, as the jury may recommend.

Fraudulent acknowledgments of any recognisance, &c. in the name of a person not privy thereto;
How punished.

8. If any person shall acknowledge, or procure to be acknowledged, in any of the courts of this state, any recognisance, bail or judgment, in the name of any other person, not privy or consenting thereto; such person, on conviction, shall be fined in a sum not exceeding two hundred dollars, and be imprisoned in the penitentiary at hard labour, or in solitude, for any period of time, not exceeding three years, as the jury may recommend.

For resisting, &c. any sheriff, &c.

9. If any person shall knowingly and wilfully obstruct, resist or oppose any sheriff, coroner or other officer of this state, or other person duly authorized, in serving or attempting to serve or execute any lawful process, or order of any court, judge, justice or arbitrators, or any other legal process whatever, or shall assault or beat any sheriff, coroner, constable or other officer, or person duly authorized, in serving or executing

Offender how punished.

any process or order aforesaid, or for having served or executed the same; every person so offending shall, on conviction, be fined in a sum not exceeding five hundred dollars, and also be imprisoned in the common jail of the county, for any time not exceeding two years: *Provided*, any officer whatever, that may or shall assault or beat any individual, under colour of his commission, without being compelled in self-defence to do so, shall, on conviction, be fined in a sum not exceeding five hundred dollars, as the jury may recommend.

Proviso.

10. If any person shall rescue another in legal custody, on criminal process, such person shall receive the same punishment as the person rescued would, on conviction, be sentenced to receive, or be fined at the discretion of the court, and imprisonment in the penitentiary, at hard labour, labour, or in solitude, for any period of time not exceeding two years, if the jury, by whom the offender may be tried, shall think proper so to recommend to the court. (No. 380.)
The rescue of a person in legal custody, under a criminal process.
Punishment.

11. If any person or persons shall rescue another in legal custody on civil process, such person or persons shall be indicted, and on conviction, shall be sentenced to pay a fine equal to the amount of the debt or demand for which such process was issued; and if the said person or persons so rescuing shall not be able to pay the said fine, then the said person or persons shall be imprisoned in the common jail of the county, at the discretion of the court, or on the recommendation of the jury, in the penitentiary.
The rescue of a person in custody under a civil process.
Punishment.

12. Any person escaping after an arrest, upon criminal or other process, before or after he or she is put in confinement, shall be fined at the discretion of the court, and imprisoned in the common jail of the county, for any period of time not exceeding one year, as the jury may recommend.
Escape after arrest, how punished.

13. If any person shall aid or assist a prisoner, lawfully committed or detained in any jail, for any offence against this state, or who shall be lawfully confined by any civil process, to make his or her escape from jail, although no escape be actually made; or if any person shall convey, or cause to be delivered to such prisoner, any disguise, instrument or arms, proper to facilitate the escape of such prisoner, any such person, (although no escape or attempt to escape be actually made,) shall, on conviction, be punished by imprisonment, at hard labour, in the penitentiary, for any time not exceeding two years, as the jury may recommend.
For aiding a prisoner in jail to escape, though no escape be made, or for furnishing any disguise, &c. to facilitate an escape;
Offender how punished.

14. If any person shall aid or assist any prisoner to attempt to escape from the custody of any sheriff, constable, officer, or other person who shall have the lawful charge of such prisoner, every person so offending shall, on conviction, be fined in a sum not exceeding two hundred dollars, and also undergo an imprisonment, in the penitentiary, for any time not exceeding two years, as the jury may recommend.
For aiding a prisoner in an attempt to escape from a sheriff, &c.
Offender how punished.

15. Any person who shall aid and assist a prisoner in the penitentiary to escape, or in his attempt to escape therefrom, every person so offending, shall be fined at the discretion of the court, and also be imprisoned in the penitentiary, at hard labour, for any period of time not exceeding three years, as the jury may recommend.
Assisting a prisoner in the penitentiary to escape.
Punishment.

(No. 380.) 16. If any sheriff, coroner, keeper of a jail, keeper or other officer, or person employed in the penitentiary, having any offender, guilty, or accused of, or confined for any crime, in his custody, shall voluntarily permit or suffer such offender to escape and go at large, every such sheriff, coroner, keeper of a jail, keeper, officer, or other person employed in the penitentiary, constable, or other officer or person so offending, shall, on conviction, be fined in a sum not exceeding one thousand dollars, and undergo an imprisonment in the penitentiary, at hard labour, labour or in solitude, for any time not less than five years, nor exceeding seven years, as the jury may recommend, and shall moreover, if a public officer, be dismissed from office.

Any sheriff, &c. who shall refuse to receive offenders, or any witness committed on the part of the state, or suffer them to escape after being in custody; How punished.

17. If any sheriff, coroner, keeper of a jail or other officer, shall wilfully refuse to receive any offender, charged with or guilty of an indictable offence, or committed as a witness on the part of this state, or having such offender or witness in his custody, shall voluntarily permit or suffer him or her to escape and go at large, then every such sheriff, coroner, keeper of a jail, constable, or other officer or person so offending, shall, on conviction, be fined in a sum not exceeding one thousand dollars, and undergo an imprisonment in the penitentiary, for a period of time not exceeding seven years, as the jury may recommend.

Receivers or purchasers of stolen goods, deemed accessories after the fact; Their punishment.

18. If any person or persons shall buy or receive any goods or chattels, that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, he, she or they shall be taken and deemed an accessory or accessories after the fact, and shall incur the same punishment as would be incurred and inflicted on the person or persons convicted of having stolen the said goods or chattels, so bought or received, knowing the same to be stolen.

Harbouring burglars, &c.;

How punished.

19. If any person shall receive, harbour or conceal any burglars, felons or thieves knowing them to be so, he, she or they shall be taken as accessory or accessories after the fact, and being convicted, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not exceeding three years, as the jury may recommend.

Purchasers and receivers of stolen goods indictable for a misdemeanor, though the principals be not convicted, &c.

20. If the principal thief or thieves cannot be taken so as to be prosecuted and convicted, it shall and may be lawful to prosecute every person buying or receiving any goods stolen by such a principal thief or thieves, knowing the same to be stolen, as for a misdemeanor, although the principal thief or thieves be not before convicted, or whether he or they are amenable to justice or not, and on conviction, every person so buying or receiving stolen goods, knowing them to be stolen, shall be fined in a sum equal to the value of the goods so bought or received, and also undergo an imprisonment in the penitentiary, at hard labour, labour, or in solitude, for any time not exceed-

ing five years, as the jury may recommend; and this prosecution and punishment shall (No. 380.) exempt the offender from being tried and punished as accessory, if such principal thief or thieves shall be afterwards taken and convicted.

21. If any person shall take money, goods, chattels, lands or other reward, on promise thereof to compound any treason, exciting or attempting to stir up and excite an insurrection or revolt of slaves, murder, manslaughter, rape, sodomy, arson, forgery, burglary, house breaking, robbery, larceny, receiving stolen goods, or other property, escape, rescue, breach of prison, bribery, perjury or subornation of perjury, or any other offence heretofore denominated felony, or any offence punishable in this code with imprisonment in the penitentiary, at hard labour or solitude, for a period of two years or longer, every person so offending, shall, on conviction, be fined in a sum not exceeding one thousand dollars, or be sentenced to undergo an imprisonment in the penitentiary, for any time not exceeding five years, or both, as the jury may recommend.

Compounding certain offences in this section designated;

How punished.

22. If any person informing or prosecuting, under pretence of any penal law, shall compound with the offender, or direct the suit or information to be discontinued, unless it be by leave of the court where the same is brought, every person so offending shall, on conviction, be sentenced to pay a fine equal to so much of the penalty as he or she would be entitled to if the defendant or party prosecuted had been found guilty or convicted; and if the person so offending is not able to pay the said proportion of the penalty, then he or she shall be sentenced to undergo an imprisonment in the penitentiary, at labour, for any time not exceeding three years, as the jury may recommend.

An informer, or prosecutor under a penal law, who shall compound with the offender or discontinue the prosecution; How punished.

23. If any two or more persons shall conspire or agree falsely and maliciously to charge or indict, or to cause or procure to be charged and indicted any person, he, she or they so offending shall, on conviction, be fined in a sum not exceeding five hundred dollars, and be also sentenced to undergo an imprisonment at hard labour in the penitentiary, for a period of time not exceeding five years, as the jury may recommend.

Conspiracy.

Punishment.

24. If any person shall be found and adjudged a common barrator, vexing others with unjust and vexatious suits, he shall, on conviction, be sentenced to pay a fine not exceeding two hundred dollars; and if the offender belongs to the profession of the law, he shall also be disqualified from practising for the future.

A common barrator, how punished.

25. Embracery, is an attempt to influence a jury corruptly to one side, by promises, persuasions, entreaties, money, entertainments and the like. Every embracer who shall procure any juror to take money, gain or profit, or shall corruptly influence a juror by persuasions, promises, entreaties, or by any other means, shall be punished by a fine not exceeding one thousand dollars, and an imprisonment in the common jail or penitentiary,

Embracery defined.

Punishment of embracers.

(No. 380.) not exceeding three years, as the jury may recommend; and the juror convicted of taking money, gain or profit, or of corruptly being influenced as aforesaid, shall be sentenced to pay four times as much as he shall have taken; or if he shall not have taken any money, or other gain and profit, a fine not exceeding one thousand dollars, and be imprisoned in the penitentiary, at hard labour, for any time not exceeding three years, as the jury may recommend; and moreover be forever disqualified to act as a juror.

Malpractice in office by justices of the peace, how punished. 26. Any justice of the peace, charged with malpractice in office, by using oppression, tyrannical partiality, or any other conduct unbecoming his character as an upright magistrate in the administration, and under colour of his office, shall, upon conviction, be sentenced to pay a fine, or to be imprisoned in the common jail of the county, as the jury may recommend, and also be removed from office.

Sending or delivering any menacing letter, &c. with intent to extort money, &c. 27. If any person shall knowingly send or deliver any letter or writing, threatening, or accuse another person of a crime, with intent to extort money, goods, chattels or other valuable thing, or threatening to maim, wound, kill or murder, or to burn his or her house or other property, (though no money, goods, chattels or other valuable thing be demanded,) any such person so offending shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment at hard labour, labour, or in solitude, for any time not exceeding two years, as the jury may recommend.

General clause. 28. Any other offences against the public justice, heretofore punishable by indictment in the courts of this state, or which may occur, shall be punished by fine or imprisonment, or both, in the penitentiary, or otherwise, or common jail of the county, on the recommendation of the jury.

NINTH DIVISION.

Offences against the public peace and tranquillity.

Disturbers of the public peace; How punished. 1. If two or more persons assemble for the purpose of disturbing the public peace, or committing an unlawful act, and do not disperse upon being advised or commanded so to do by a judge, justice, sheriff, constable or other public officer, persons so offending shall be guilty of a misdemeanor, and on conviction, shall be fined, or imprisoned in the common jail of the county, as the jury may recommend.

Rioters; Their punishment. 2. If two or more persons, either with or without a common cause of quarrel, do an unlawful act of violence, or any other act, in a violent and tumultuous manner, such persons so offending shall be guilty of a riot, and on conviction, shall be sentenced to

pay a fine, or be imprisoned in the common jail, or both, as the jury may recommend; (No. 380.) but if the circumstances attending the riot shall be of an atrocious or aggravated nature, the offenders may, upon the recommendation of the jury, be fined, and imprisoned in the penitentiary, for any time not exceeding two years.

3. Affrays, are the fighting of two or more persons in some public place, to the terror of citizens and great disturbance of the public tranquillity. Persons so offending shall be indicted, and on conviction, shall be fined or imprisoned in the common jail of the county, or both, at the discretion of the court; and it shall be considered as a great aggravation of this offence, if any attempt or disobedience of the magistrate, or other public officer commanding the peace, shall be proven.

Affrays defined.
Punishment

4. If any person in this state shall deliberately challenge, by word or writing, the person of another, to fight at sword, pistol, or other deadly weapon, or if any person so challenged shall accept the said challenge, in either case, such person so giving or sending, or receiving any such challenge, and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and imprisoned in the common jail of the county, or on the recommendation of the jury, undergo an imprisonment in the penitentiary, at hard labour or labour, for any time not less than three months, nor longer than one year.

Challenging or accepting a challenge, to fight with deadly weapons, how punished.

5. If any person shall willingly and knowingly carry and deliver any written challenge, or verbally deliver any message purporting to be a challenge, or shall consent to be a second in any such intended duel, every such person offending, and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and be imprisoned in the common jail of the county, at the discretion of the court; or if the jury should recommend it, he may be imprisoned in the penitentiary, at labour or hard labour, for any time not less than three months, nor longer than one year.

The bearer of a challenge, how punished.

6. It shall be sufficient to form an indictment generally, against either of the principals, for challenging another to fight at deadly weapons, and notwithstanding it may appear on the trial, that the defendant only accepted the challenge, it shall be sufficient to convict and render him liable to the penalties aforesaid; and in like manner, an indictment against the second may be framed generally, for carrying and delivering a challenge, and the proof of the mere act of fighting, and the defendant being present thereat, shall be sufficient to convict the defendant upon an indictment so framed; and if the duel shall take place within this state, the mere act of fighting shall be full and complete evidence of the charges respectively, of giving or receiving, or of carrying and delivering a challenge, without other proof thereof.

What proof may be sufficient to sustain an indictment for challenging.

Upon what proof a second may be convicted.

(No. 380.) 7. If any justice, or other officer bound to preserve the public peace, shall have knowledge of an intention to fight with any deadly weapon, given or received, and not use and exert his official authority to arrest the parties and prevent the duel, such justice or other officer shall, for such neglect of duty, be indicted, and on conviction, be dismissed from office.

Any person publishing another as a coward, &c. for not accepting a challenge, &c. how punished. 8. If any person or persons shall, in any newspaper or hand-bills, written or printed, publish or proclaim any other person or persons as a coward, or use any other opprobrious and abusive language, for not accepting a challenge or fighting a duel, such person or persons so offending shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, or, on the recommendation of the jury, may be imprisoned in the penitentiary at labour, for any time not exceeding one year.

The printer a competent witness against the writer, and punishable for a contempt if he refuse to disclose the writer's name. 9. The publisher or printer of any newspaper, hand-bill, or other publication, shall, in all prosecutions under the last mentioned section, be summoned as a witness, and be accepted by the court as a good witness, against the writer or writers of such publication or hand-bill; and if the said printer or printers, when summoned before the court, shall refuse to give up the writer's name or names, the court shall consider him or them as the author or authors thereof, and proceed to punish him or them accordingly.

Libel defined. 10. A libel, is a malicious defamation, expressed either by printing or writing, or by signs, pictures and the like, tending either to blacken the memory of one who is dead, or the honesty, virtue, integrity or reputation of one who is alive, and thereby exposing him to public hatred, contempt or ridicule. Every person convicted of this offence shall be sentenced to pay a fine not exceeding one thousand dollars, and also to undergo an imprisonment in the penitentiary, at labour or hard labour, as the jury may recommend, for any time not exceeding three years.

Evidence. 11. In all cases of indictment for a libel, the person prosecuted shall be allowed to give the truth in evidence.

General clause. 12. All other offences against the public peace shall be prosecuted and indicted as heretofore, but the punishment, in every case, shall be fine, or imprisonment in the common jail of the county, or both, at the discretion of the court, or in the penitentiary, if the jury shall recommend that mode of punishment.

TENTH DIVISION.

(No. 380.)

Offences against the public morality, health, and police.

1. If any person shall have two wives, or two husbands, at one and the same time, knowing of the living and existence of such wife or husband, he or she shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment at hard labour, in the penitentiary, for any time not exceeding three years, as the jury may recommend; and the second marriage shall be void; but long absence of the wife or husband, and no information of the fate of such husband or wife, shall, at the discretion of the jury, be cause of acquittal of the person indicted.

For having two wives or two husbands at the same time, offender how punished.

2. If any man or woman, being unmarried, shall knowingly marry the husband or wife of another person, such man or woman shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment at hard labour, in the penitentiary, for any time not exceeding three years, as the jury may recommend: but if the persons guilty of these offences are not able to pay the said fines, then the punishment shall be imprisonment at hard labour, in the penitentiary, for a term not exceeding five years, as the jury may recommend.

A single person knowingly marrying the wife or husband of another, how punished.

3. If any person shall commit incestuous fornication or adultery, or intermarry within the degrees of consanguinity or affinity established by law, he or she shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment in the penitentiary, for a period of time not exceeding two years, if such imprisonment in the penitentiary shall be recommended to the court by the jury.

Incest.

Punishment thereof.

4. Any justice of the peace, mayor, intendant, in any county, or of any city in this state, who of his own knowledge, or on information to him on oath made, of any free white woman having a bastard child, which it is probable will become chargeable to the county or city, he may thereupon cause a warrant, under his hand and seal, directed to the sheriff or a constable of said county or city where the case may arise, and oblige the offender to be brought before him, to give security to the Inferior Court of the county in the sum of one thousand dollars, for the support and education of such child or children till the age of fourteen years, or to discover, on oath, the father of such bastard child; which being done, the said justice, mayor, intendant or alderman, shall issue his warrant in like manner, to bring before him the person sworn to be the father of such child or children, who, on refusing to give such security as may be required for the support and education of such child or children, until he, she or they shall arrive at the age of fourteen years, and also pay, or give security to pay, all expenses incurred at

Justices of the peace, &c. shall compel the mother of a bastard child (which would probably become chargeable on the county) to give security for its support, &c. or to disclose on oath the father of such child. The reputed father required to give security.

(No. 380.) the birth of such child or children, such reputed father shall be bound in a sufficient recognisance to appear at the next Superior Court, to answer to a bill of indictment for bastardy; and on conviction he shall be sentenced to pay a fine, which by the court may be deemed sufficient to support and educate the said bastard child or children until he, she or they shall arrive at the age of fourteen years; which fine, when collected, shall be paid over to the justices of the Inferior Court of the county, and by them applied to the support and education of said bastard child or children: and the said reputed father shall, moreover, be imprisoned in the common jail of the county, for any time not exceeding six months, if the jury shall recommend to the court such additional punishment.

On failing to do so, liable to an indictment for bastardy.

Punishment.

The mother of a bastard, who shall refuse to give the requisite security, or to disclose the father, how punished. Declarations, &c. of the mother admissible on the trial of the reputed father

Adultery and fornication, &c.

Punishment.

Prosecution may at any time be superseded by marriage of the parties.

Open lewdness, &c. and keeping open tippling-houses on the Sabbath.

Punishment.

Keepers of disorderly houses, how punished.

5. If the mother of said child or children refuses to give security for the support and education of said child or children, or refuses to discover the father of said child or children, then she shall be prosecuted, fined and punished, as directed against the reputed father. The declarations of such mother of a bastard child or children, made on oath or affirmation, in open court, shall be given in evidence, on the trial of the man charged by her as the father of the child or children, to convict such person of the fornication and bastardy.

6. Any man and woman who shall live together in an open state of adultery and fornication, which will be sufficiently established by any circumstances which raise the presumption of cohabitation and unlawful intimacy, shall be severally indicted, and, on conviction, such man and woman shall be severally sentenced to pay a fine not exceeding eighty dollars; and on conviction a second time, a fine of one hundred and sixty dollars; and for every repetition of the offence, a fine in the same proportion; and moreover, be imprisoned, if the jury shall think proper to recommend that additional punishment: but it shall at any time be in the power of the parties to prevent or suspend the prosecution by marriage, if such marriage can be legally solemnized.

7. If any person shall be guilty of open lewdness, or any notorious act of public indecency, tending to debauch the morals, or keeping open tippling-houses, on the Sabbath day or Sabbath night, he or she shall be indicted, and, on conviction, shall pay a fine at the discretion of the court, or be imprisoned in such manner, and for such period, as the jury may recommend.

8. If any person shall keep and maintain a common ill governed and disorderly house, to the encouragement of idleness, gaming, drinking or other misbehaviour, to the common disturbance of the neighbourhood or orderly citizens, he or she shall, on conviction, be sentenced to pay a fine at the discretion of the court, or to be imprisoned in such manner, and for such period of time, as the jury may recommend.

9. If any person shall, for his or her emolument or livelihood, maintain and keep a lewd house, or place for the practice of fornication, either by themselves or others, he or she shall, on conviction, be sentenced to pay a fine at the discretion of the court, or be imprisoned in such manner, and for such a period, as the jury may recommend. (No. 380.)
Keepers of lewd houses, how punished.

10. If any person shall by himself, servant or other agent, for his gain or living, keep, have, exercise or maintain a common gaming-house, table or room, or in any house or place occupied by him, procure or permit any persons to frequent or come together to play for money, or any other valuable thing, at any game, he or she, on conviction, shall be sentenced to pay a fine at the discretion of the court, and to be imprisoned in such manner as the jury may recommend. Keepers of gaming-houses, tables or rooms, how punished.

11. Any person or persons who may be found playing at any game with cards, dice, checks or at billiards, or any other instrument, article or articles, thing or things whatsoever, heretofore used, or which may hereafter be used for the purpose of betting upon, or winning or losing money, or any other thing or things, article or articles of value, or any property, or any other article or articles, thing or things of value, on any of the games aforesaid, or which may hereafter be invented, may be indicted; and on conviction thereof, shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars, as the jury may recommend; one half for the benefit of the informer, and the other half for the use of the county where the offence may have been committed: *Provided also*, that this act shall not be construed to extend to horse-racing, shooting with guns of any description used against an enemy, wrestling, jumping, foot-racing, five-playing, pitching with quoits or darts, or any other peaceable and civil athletic exercise of man or men not herein particularly enumerated. Gamblers.
Their punishment.
Proviso.

And be it further enacted, That it shall be the duty of the judges of the Superior Courts of this state, at the opening or commencement of every court, to give in charge to the grand juries respectively the substance and intention of the legislature, as contained in the several sections in this code relative to gambling. Judges to give in charge to grand juries the substance, &c. of the sections with regard to gambling.

12. *And be it further enacted*, That it shall be lawful for any lawful officer to break open suspected rooms or houses, where it is commonly known that gaming is carried on, and to take any persons found gaming, and to bind them over to the next Superior Court to be held in and for the county where such offences may be committed. Gaming rooms, &c. may be broken open, and those found gaming therein, bound over to the next court.

13. All nuisances not here mentioned, which tend to annoy the community, or injure the health of the citizens in general, or to corrupt the public morals, shall be indictable and punishable by fines at the discretion of the court, and imprisonment of the offenders. Other nuisances.

(No. 380.) in such manner, and for such periods of time as juries may recommend: and any nuisances which tend to the immediate annoyance of the citizens in general, is manifestly injurious to the public health and safety, or tends greatly to corrupt the manners and morals of the people, may by order of any two or more justices of the peace, upon the opinion given them by twelve citizens summoned for that purpose, order the sheriff of the county to remove or suppress said nuisance; and if the nuisance exists in a town or city under the government of a mayor, intendant, aldermen, wardens, or a common council, such nuisance, by and with the advice of said aldermen, wardens or council, may be removed or suppressed by order of said mayor or intendant.

Butchers, &c. selling the flesh of a diseased animal, &c. how punished.

14. Any butcher or other person selling the flesh of any diseased animal, or other unwholesome provisions, shall be indicted, and on conviction, for the first offence be sentenced to pay a fine at the discretion of the court; and for the second offence shall be fined at the discretion of the court, and also imprisoned in such manner, and for such period of time, as the jury may recommend.

Selling unwholesome bread, drink, &c. how punished.

15. Any baker, brewer, distiller, merchant, grocer, or other person, selling unwholesome bread, drink, or pernicious and adulterated liquors, knowing them to be so, shall be indicted, and on conviction, shall be fined at the discretion of the court; and on conviction for the second offence, such baker, brewer, distiller, merchant or grocer, shall be sentenced to pay a fine at the discretion of the court, and also to undergo an imprisonment in such manner, and for such period of time, as the jury may recommend.

Offences with regard to the dissemination of the small-pox, how punished.

16. Any physician, surgeon or other person, wilfully endeavouring to spread the small-pox without inoculation, or by inoculation with matter of the small-pox, or using any other inoculation than that called vaccination, shall be indicted, and on conviction, fined in a sum not exceeding one thousand dollars, and moreover be imprisoned in such manner, and for such a period of time, as the jury may think proper to recommend to the court.

Persons coming into this state from infected countries, and in violation of quarantine regulations, how punished.

17. Any person coming into this state, by land or water, from any place infected with a contagious disease, and in violation of quarantine regulations, shall be indicted, and on conviction, sentenced to pay a fine not exceeding five hundred dollars, and also be imprisoned in such manner, and for such period, as the jury may think proper to recommend to the court.

Vagrants.

18. Any person wandering or strolling about, able to work or otherwise to support himself in a reputable way, or leading an idle, immoral, profligate course of life, shall be arrested by a warrant issued by any justice of the peace, mayor or alderman, and bound in sufficient security for his good behaviour and future industry for one year;

and upon his refusal or failure to give such security, he shall be committed and indicted as a vagrant, and on conviction, shall be imprisoned in the penitentiary, at hard labour, for such period of time as the jury may recommend to the court. (No. 380.)

19. If any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with intent feloniously to break and enter into any dwelling-house, ware-house, store, shop, coach-house, stable or out-house, or shall have upon him any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person, or shall be found in or upon any dwelling-house, ware-house, store, shop, coach-house, stable or out-house, with intent to steal any goods or chattels; every such person shall be deemed a rogue and vagabond, and on conviction, shall be sentenced to undergo an imprisonment in the common jail of the county, or in the penitentiary, at hard labour, for such period of time as the jury shall recommend to the court.

Rogues and vagabonds, who shall be deemed such.

Their punishment.

20. All other offences against the public morals, health, police or economy, shall be punished by fine or imprisonment in the common jail of the county, at the discretion of the court, or in the penitentiary, in such manner, and for such period of time, as juries may recommend.

General clause.

ELEVENTH DIVISION.

Offences committed by cheats and swindlers, and offences against the public trade.

1. If any person, by false representations of his own respectability, wealth, or mercantile correspondence and connections, shall obtain a credit, and thereby defraud any person or persons of money, goods, chattels or any valuable thing, or if any person shall cause or procure others to report falsely of his honesty, respectability, wealth or mercantile character, and by thus imposing on the credulity of any person or persons obtain a credit, and thereby fraudulently get into possession of goods, wares, merchandize, or any valuable thing, shall be deemed a cheat and swindler, and, on conviction, shall be sentenced to restore the property so fraudulently obtained, if it can be done, and also to pay a fine at the discretion of the court, and moreover to undergo an imprisonment in the penitentiary, at hard labour, for any period of time not exceeding three years, as the jury may recommend.

Cheats and swindlers.

How punished.

2. Any person using any deceitful means (other than those which have been mentioned in this code) or practices in matters of fraud, shall be deemed a cheat and swindler, and, on conviction, shall be sentenced to make such restitution to the party defrauded and cheated as the court may direct; and also be fined, and undergo an

General clause as to cheating and swindling.

(No. 380.) imprisonment in the common jail of the county, or in the penitentiary, as the jury may recommend.

Cheating at cards, dice, &c.

3. If any person or persons shall, by any fraud or shift, circumvention, deceit, or unlawful trick or device, or ill practice whatever, in playing at cards, dice, or any game or games, or in or by bearing a share or part in the stakes, wagers, or adventures, or in or by betting on the sides or hands of such as do or shall play, obtain or acquire to him or themselves, or to any other or others, any money or other valuable thing or things whatever, such person or persons so offending shall be indicted, and, on conviction, shall be deemed a cheat, and sentenced to pay a fine of five times the value of the money, or other things so won as aforesaid, and also be imprisoned in the common jail of the county, or in the penitentiary, at labour or hard labour, for such period of time as the jury may recommend.

How punished.

Selling bread under a legally established assize, how punished.

4. Any baker or other person, selling bread under the assize established by the corporation of any town, city, or the regulations of any village, or the rules laid down by any law, shall be deemed a cheat, and, on conviction, shall pay a fine at the discretion of the court, and, moreover, be imprisoned, if the jury shall think proper to recommend that additional punishment.

Selling by false weights and measures.

5. If any person shall sell by false weights and measures, he or she shall be deemed a common cheat, and on conviction, shall be sentenced to pay a fine at the discretion of the court, and also be imprisoned, if the jury shall recommend that additional punishment.

General clause.

6. Any other deceitful and artful practice, by which individuals or the public are defrauded and cheated, shall be punished by fine, at the discretion of the court, and also by imprisonment, in such manner, and for such a period of time, as the jury may recommend.

The offences of forestalling, &c. abolished.

7. The offences of forestalling, regrating and engrossing are hereby abolished.

Counterfeiting any mark or brand established by law, and other offences with regard thereto ;

How punished.

8. If any person shall fraudulently counterfeit, or be concerned in fraudulently counterfeiting any brand or mark, directed by law, or shall fraudulently cause, or procure the same to be done, or shall use, export, sell, exchange, barter or expose to sale, any bale, cask, barrel, hogshead, or vessel of any kind, or any other thing, upon which a brand or mark is directed to be made by law, with such counterfeit brand or mark, knowing the same to be false and counterfeit ; the person so offending, his aiders, counsellors and abettors shall, on conviction, be sentenced to pay a fine not exceeding two hundred

dollars; and also, to undergo an imprisonment in the common jail of the county, or in (No. 380.) the penitentiary, as the jury may recommend.

9. Any person who shall put into any bale or bales of cotton, hogshead or hogsheads, barrel or barrels, sugar cask or casks of sugar, or of rice, hogshead or hogsheads, barrel or barrels, cask or casks, containing pork, beef or other provisions, any dirt, rubbish, or other thing, for the purpose of adding to, and increasing the weight or bulk of said cotton, sugar, rice, beef, pork, or other provisions or things; every person guilty of this fraudulent practice shall be deemed a common cheat, and being indicted and convicted, shall be sentenced to pay a fine, equal to the full value of said cotton, sugar, rice, pork, beef or other provisions, and also to undergo an imprisonment in the penitentiary, at hard labour, for any time not exceeding five years, as the jury may recommend.

Any person putting any dirt, rubbish, &c. in any bale of cotton, &c. for the purpose of adding to their weight, &c. deemed a cheat.
How punished.

10. All other offences committed by cheating and deceit, or offences against the public trade, not herein enumerated, but which may occur, or have heretofore been indictable, shall be punished by fines, at the discretion of the court, and imprisonment in the common jail of the county, or in the penitentiary, at labour, hard labour, or in solitude, as juries may recommend.

General provision as to offences under this head not enumerated.

TWELFTH DIVISION.

Fraudulent or malicious mischief.

1. Any person or persons who shall wilfully and maliciously set fire to or burn any stack or stacks of corn, grain, straw, or hay, shall, on conviction, be sentenced to pay a fine equal to twice the value of the stack or stacks so set fire to or burnt, and to undergo an imprisonment in the penitentiary, at hard labour, for any time not exceeding three years, as the jury may recommend: and if the said person or persons shall not be able to pay the said fine, then he, she or they shall be imprisoned in the penitentiary, at hard labour, not exceeding five years, as the jury may recommend.

Setting fire to or burning any stack of corn, &c.
How punished.

2. If any person shall wilfully and maliciously set on fire, or cause to be set on fire any woods, lands, or marshes within this state, so as thereby to occasion loss, damage, or injury to any other person, he or she shall, on conviction, be sentenced to pay a fine not exceeding three hundred dollars, and to be imprisoned in the common jail of the county, or in the penitentiary, for any period of time the jury may recommend.

Maliciously setting fire to woods, &c.
How punished.

3. If any person shall wilfully and maliciously set fire to any fence or fences, inclosure or inclosures, or cause and procure the same to be done, he or she, on conviction, shall

Setting fire to fences, &c.

(No. 380.) be sentenced to pay a fine, not exceeding five hundred dollars, and to undergo an imprisonment in such manner, and for such period of time, as the jury may recommend.

Injuring or
destroying
any bridge,
mill-dam, &c.

4. If any person shall, unlawfully and maliciously, break down, open, cut through, injure or destroy any bridge, river or meadow bank, rice-dam, mill-dam, or other dams or banks, every such person so offending shall, on conviction, be sentenced to pay a fine, or to be imprisoned in such manner; and for such period of time, as the jury may recommend.

Maliciously
maiming or
killing horses,
cattle or hogs;

How punish-
ed.

5. If any person shall maliciously maim or kill any horse, bull, steer, ox, cow, calf, heifer, or any animal or animals, falling under the description as before given of horses or cattle, or shall maliciously maim or kill a hog or hogs, any such person so offending shall, on conviction, be sentenced to pay a fine, or to be imprisoned, in such manner and for such period of time as the jury may recommend.

Injuring and
destroying
any turnpike
gate, &c.

Or works
erected for
the naviga-
tion of rivers;
How punish-
ed.

6. If any person shall maliciously injure or destroy any turnpike gate or gates, or any post or posts, rail or rails, wall or walls, or any chain, bar or other fence, belonging to any turnpike gate, or any house or houses to be erected for the use of any such turnpike gate or gates, or shall wilfully and maliciously injure and destroy locks or other works, erected to protect and secure the navigation of rivers; every such person so offending shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and also to undergo an imprisonment in the penitentiary, at hard labour, for any time not exceeding three years, as the jury may recommend.

Burning or
setting fire to
any vessel, &c.
under the va-
lue of \$200;
along side of
any wharf, &c.
or making any
hole in such
vessel, or do-
ing any act
tending to its
destruction;
How punish-
ed.

7. If any person shall wilfully and maliciously burn or set fire to any ship, boat or other vessel, above the value of two hundred dollars, along side of any wharf, or at anchor in any river of this state, or within any of its waters; or if any person shall wilfully and maliciously make, or be assisting in the making, any hole in the bottom, side, or any other part of any ship, boat or vessel, above the value aforesaid, or do any other act, tending to the loss or destruction of such ship, boat or vessel at anchor, or lying as aforesaid; every person so offending, shall, on conviction, be sentenced to pay a fine, not exceeding one thousand dollars, and to undergo an imprisonment in the penitentiary, at hard labour, for any period of time not exceeding ten years, as the jury may recommend.

General
clause.

8. All other acts of malicious and fraudulent mischief, not here enumerated, but standing upon the same footing of reason and justice, or which are indictable offences by the laws in force in this state, shall be punished by a fine, or imprisonment in the common jail of the county, at the discretion of the court, or by imprisonment in the penitentiary, in such manner as the jury to whom the case is submitted shall recommend.

(No. 380.)

ACCESSORIES.

9. Accessories, or persons aiding, advising or assisting in and to the perpetration of offences, where the punishments are not provided for in this code, shall be punished in the following manner: Accessories, before the fact, aiders, abettors or advisers, shall receive the same punishment as is directed to be inflicted on the principals, unless the juries by whom such accessories, aiders, abettors or advisers shall be tried, recommend a mitigation of such punishment, or a different punishment; and then the punishment shall be according to the recommendation of said juries.

Accessories;

Before the fact.

Accessories after the fact, shall be punished by fine or imprisonment, in the common jail of the county, or both, at the discretion of the court: but if the jury by whom such accessories shall be tried, shall think proper to recommend imprisonment in the penitentiary, such punishment so recommended shall be adopted and inflicted.

After the fact.

INDICTMENTS.

11. Every indictment or accusation of the grand jury shall be deemed sufficiently technical and correct, which states the offence in the terms and language of this code, or so plainly, that the nature of the offence charged may be easily understood by the jury.

Indictments, when sufficiently technical and correct.

The form of every indictment or accusation, shall be as follows:

GEORGIA, } The grand jurors, sworn, chosen, and selected for the county
County, } of to wit: in the name and behalf of the citizens of
Georgia, charge and accuse A. B. of
with the offence of for the said A. B. (here state the offence, the
time and place of committing the same, with sufficient certainty,) contrary to the laws
of said state, the good order, peace and dignity thereof.

Form of an indictment.

If there should be more than one count, each additional count shall commence with the following form:

Commencement of each additional count.

"And the jurors aforesaid, in the name and behalf of the citizens of Georgia, further accuse and charge A. B. with having committed, (here state the offence as before directed,) for that, &c."

(No. 380.) Every exception as to form, and not substantially affecting the offence, shall be made before trial, and not after, and if sustained, a new indictment shall be presented; and no motion in arrest of judgment, not affecting the merits of the offence, shall be sustained by the court; but a new trial may be granted by the court to afford an amendment to the indictment, or more full discussion on the real merits of the offence. An indictment may be at any time amended, with leave of the court, after argument.

12. Upon every indictment, the principal witness or prosecutor's name shall be indorsed, who upon the acquittal or discharge of the person accused, shall be compelled to pay all costs which have accrued, if the grand jury, by their foreman, upon returning "No bill," express it as their opinion, that the prosecution was unfounded or malicious, or if the petit jury, upon returning a verdict of "Not guilty," shall express a similar opinion.

ARRAIGNMENT, TRIAL, AND VERDICT.

13. No person indicted, unless it be for a felony, or for an offence which may subject him, on conviction, to an imprisonment in the penitentiary, for the term of three years, shall be put for his arraignment in the bar-dock, or other place set apart in a court-room for arraignment of criminals.

14. Every person charged with a felony, or any offence which may subject him, on conviction, to imprisonment in the penitentiary for the term of three years, shall be furnished, previous to his arraignment, with a copy of the indictment, and a list of the witnesses who gave testimony before the grand jury, shall be furnished for the party accused.

15. Every person charged with an offence, shall, at his or her request, or the request of his or her counsel, be furnished with a copy of the indictment, and the aforesaid list of witnesses.

16. Upon the arraignment of a prisoner, it shall be sufficient, without complying with any other form, to declare orally by himself or herself, or his or her counsel, that he or she is "Not guilty;" which declaration or plea shall be immediately put upon the minutes of the court by the clerk, and the mention of the arraignment and such declaration or plea, shall constitute the issue between the prisoner and the people of this state; and if the clerk should neglect to insert in the minutes the said arraignment and plea, it may and shall be done at any time, by order of the court, and then the error or mistake of the clerk shall be cured.

17. If the person pleads "Guilty," or is mute, on accusation of felony, the court shall, notwithstanding, direct the declaration of "Not guilty," to be put upon the minutes, and the trial shall proceed in the same manner it would have done, if the prisoner, or his or her counsel, had plead "Not guilty."

(No. 380.)
When a prisoner stands mute, or pleads guilty on a charge of felony, what to be done.

18. The plea of "Not guilty," recorded on the indictment for any offence, which does not require the formality of an arraignment, shall be deemed sufficient to constitute the issue between the prisoner and the people of this state; and if the attorney or solicitor general, or other person prosecuting in behalf of this state, shall neglect to have said plea recorded, it may at any time, during or after trial, be ordered to be done by the court, and such order shall cure the error or defect.

The plea of "not guilty" recorded on an indictment, where arraignment is not required, shall be a sufficient issue, &c.

19. No prisoner shall be brought into court for arraignment or trial, tied, bound or fettered, nor shall such prisoner be tied, bound or fettered, unless the court shall deem it necessary, during his or her arraignment or trial: and if the health of the prisoner, or other circumstances, may appear to render it more convenient to the prisoner and his counsel, that he or she should not be placed for his or her arraignment, or during his or her trial, within the bar-dock, or other place assigned in the court-room for criminals, the court may grant the indulgence of removing the prisoner to any other place in said court-room, or contiguous to it, requested by the prisoner or his or her counsel.

No prisoner to be brought into court, bound, &c.
Under what circumstances a prisoner may be removed from the bar-dock.

20. Every person indicted for a felony or crime, which may subject him or her, on conviction, to death, or five or more years imprisonment in the penitentiary, may peremptorily challenge twenty of the jurors empanelled to try him or her: and on all other offences punishable with hard labour, the person indicted shall be allowed twelve peremptory challenges.

Peremptory challenges.

21. On every trial for an offence contained in this code, or for any offence, the jury shall be judges of the law and the fact, and shall, in every case, give a general verdict of "Guilty" or "Not guilty;" and on the acquittal of any offender, no new trial shall, on any account, be granted by the court.

Juries judges of the law and fact.

Verdict.

No new trial after acquittal.

22. Every person against whom a bill of indictment is found, shall be tried at the term of the court the indictment is found, unless the absence of a material witness or witnesses, or the principles of justice, should require a postponement of the trial, and then the court shall allow a traverse or postponement of the trial until the next term of the court; and any person, indicted for an offence not affecting his or her life, and demanding a trial, which demand shall be placed upon the minutes of the court, shall be discharged, upon his or her giving bail to appear at the next court; and if not tried at said court, shall be absolutely discharged and acquitted of the offence contained in the indictment, and if not tried at the next term,

Trial, when to take place.

Any person indicted for an offence not affecting life, who may demand a trial, shall be bail-discharged.

(No. 380.) indictment: *Provided*, that at both terms juries were empanelled and able to try such offender; and every person against whom a bill of indictment has been found, who appears and demands his or her trial, at the first term after such bill shall have been found, and the officer prosecuting in behalf of the people, cannot assign some legal or satisfactory reasons for wishing a postponement of the trial, such as the absence of a material witness or witnesses, and a well grounded expectation of being able to proceed on said trial at the next term; then the person so indicted and demanding his or her trial, shall be absolutely discharged and acquitted of the offence contained and charged in the indictment; and in no case shall a *nolle prosequi* be entered on any bill of indictment, after the case has been submitted to the jury.

Proviso.

Any one demanding a trial at the first court after the finding of a bill, shall be discharged if the prosecuting officer can assign no good reason for putting off the trial.

Nolle prosequi, when inadmissible.

When a prisoner is convicted on more than one indictment; Sentences, how executed.

23. Where a person shall be indicted and convicted on more than one indictment, and the sentences are imprisonment in the penitentiary, such sentences shall be severally executed after the expiration of each other, but with as great a mitigation, and with as much leniency as the nature of the offences and the principles of justice shall require.

FINES AND COMPENSATIONS.

Fines, how disposed of.

24. Every fine not specially appropriated in this code, shall, after collection, be first applied, by order of court, towards the indemnification of any person or persons, whose property may have been destroyed or stolen, injured or taken away, or fraudulently conveyed or converted by the offender or offenders; and the remainder, if any there shall be, paid over to the justices of the Inferior Court of the county where the offence shall have been perpetrated, to be applied to the purposes of said county. But all fines imposed for offences committed in the county of Chatham, shall, after such indemnification as aforesaid, be paid over to the corporation of the city of Savannah, to be applied to the support and maintenance of prisoners in the common jail of said county of Chatham, to defray all expenses incidental to said prison, and incurred by said corporation, and also to keep in good order the court-house of said county.

Stolen property to be restored.
Further disposition of fines.

25. All stolen property shall be restored to the owner, and when such restitution is obtained, and no particular appropriation of the fine is directed by this code, one moiety of said fine shall be paid over to the justices of the Inferior Court, or the corporation as aforesaid, to be applied as aforesaid, and the other moiety into the treasury of this state, to be applied to the support and maintenance of the prisoners in the penitentiary, or to defray other expenses incurred in said penitentiary.

Payment of fines.
Discretionary fines.

26. Every fine imposed by this code, or left at the discretion of the court, shall be immediately paid, or within such reasonable time as the court may grant. The court may, in every case where the fine is at its discretion, put the person or persons upon

his, her or their voir dire, or oath, as to his, her, or their circumstances or capability to (No. 380.) pay the fine; and then the court, if satisfied with the information thus obtained, shall impose such fine as the person or persons convicted may be able to pay.

27. In every case contained in this code, where the value of the property stolen, injured, destroyed, taken away, or fraudulently converted and conveyed, or a two-fold, three-fold, four-fold, or any other value is directed to be paid over, forms a part of the punishment, every such value shall be fixed and ascertained by a jury, sworn and empannelled for this purpose, who, under any collateral issue the court may direct, shall return a verdict upon any information they can obtain.

Value how
ascertained.

BENEFIT OF CLERGY AND THE PUNISHMENT OF DEATH.

28. The "benefit of clergy," as heretofore claimed under the criminal laws of this state, or any legal exception in consequence of the omission of the words "benefit of clergy," are hereby abolished and declared a ridiculous and unmeaning privilege and form. The term "death," in this, or any future penal system, shall be sufficient to justify the infliction of that punishment.

Benefit of
clergy abol-
ished, &c.

Operation of
the term
death.

29. The sentence of death shall be executed by publicly hanging the offender by the neck until he or she is dead.

Sentence of
death, how ex-
ecuted.

OATH OF WITNESSES AND JURORS, AND COMPETENCY OF WITNESSES.

30. On the trial of every offender, the following oath shall be administered to and taken by every person composing the jury, and by every witness: I, A. B. in the presence of Almighty God, the searcher of all hearts, to whom, after this life, I believe myself accountable, (if a witness,) will give my testimony in this case, according to my knowledge of facts, and to the best of my belief: this I solemnly swear, (if a juror,) will agree to a verdict, in this case, according to my opinion of the law and the evidence, without suffering myself, as far as I am able, to be influenced by prejudice, partiality, friendship or affection; all this I do solemnly and sincerely swear.

Oath of a wit-
ness;

And of a
juror.

31. The form of oath thus prescribed shall be repeated in a distinct and clear manner by every witness and juror; and it shall be the duty of the officers of the court to remind all persons attending, that the oath is about to be administered to a witness, or juror, as the case may be; and if any person shall interrupt the silence necessary to be observed during the time such witness or juror shall be repeating said oath, it shall be considered a contempt, and the court shall immediately inflict a fine, at its discretion.

Said oaths to
be repeated.

(No. 380.) 32. In every case in this code, where restitution or a pecuniary compensation is directed to be made to the person or persons whose property hath or have been stolen, injured, destroyed, taken away, or fraudulently converted or conveyed, or where a pecuniary compensation is directed to be made, the person or persons whose property hath or have been so stolen, injured, destroyed, taken away, or fraudulently converted or conveyed, or who hath or have received such personal injury, shall be a competent witness or witnesses on the trial of the offender or offenders.

Parties injured shall be competent witnesses.

OFFENCES RELATIVE TO SLAVES.

33. Any person except emigrants, bringing, importing or introducing into this state, by land or water, any slave or slaves, with intent to sell, transfer or barter such slave or slaves, such person shall be guilty of a high misdemeanor, and, on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars for each negro, and to undergo an imprisonment in the penitentiary, at hard labour, for any period of time not less than one year, nor longer than three years, as the jury may recommend; and the fact of offering for sale, transfer or barter, such slave or slaves, within the term of one year after the bringing into this state, shall be sufficient evidence of the intent of such importation or introduction, (though no actual sale, barter or transfer be made); and every person so concerned or interested in bringing, importing or introducing such slave or slaves, shall be equally guilty as the principal, and, on conviction, shall suffer the same punishment as before prescribed.

Introduction of slaves into this state;

How punished.

Proof of the intent.

All parties concerned deemed principals.

Harbouring slaves.

Punishment.

Proviso.

34. If any person shall conceal, harbour, hide, or cause to be concealed, harboured or hidden, any slave or slaves, to the injury of the owner or owners thereof, such person so offending, shall, on conviction, be sentenced to pay a fine, and on the recommendation of the jury, shall also be imprisoned in the penitentiary, at hard labour, for any period of time not exceeding two years: *Provided nevertheless*, that on the trial for this offence, the person charged with it shall be acquitted, if he or she had an apparent well-founded claim to the slave or slaves so harboured and concealed; and on every conviction for concealing or harbouring a slave or slaves, the owner or owners of such slave or slaves may recover damages by a civil suit, for the loss of the labour or the services of such slave or slaves, notwithstanding the said conviction.

The offence of taking any slave out of the state, or any county, without the owner's consent, how punished.

35. If any person shall remove or carry, or cause to be removed and carried away out of this state, any slave or slaves, or out of the county where such slave or slaves may be, without the consent of the owner or owners, and with the view to deprive such owner or owners of said slave or slaves, any person so offending shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, for every slave so removed or

carried away, and also undergo an imprisonment in the penitentiary, at hard labour, (No. 380.) for any period of time not exceeding two years, as the jury may recommend.

36. Any person (except the owner) beating, whipping or wounding a slave, or beating, whipping or wounding a free person of colour, without sufficient cause or provocation being first given by such slave or free person of colour, may be indicted, and on conviction, shall be fined at the discretion of the court, and also imprisoned, if the jury should recommend that additional punishment: and the owner of such slave, or the guardian of such free person of colour, may, notwithstanding such conviction, recover in a civil suit, damages for the injury done to such slave or free person of colour.

Any person except the owner beating, &c. a slave, or any one beating, &c. a free person of colour, without sufficient provocation, how punished.

37. Any owner or owners of a slave or slaves, who shall cruelly treat such slave or slaves, by unnecessary and excessive whippings, by withholding proper food and sustenance, by requiring greater labour from such slave or slaves than he, she or they are able to perform, by not affording proper clothing, whereby the health of such slave or slaves may be injured and impaired; every such owner or owners shall, upon sufficient information being laid before the grand jury, be by said grand jury presented, whereupon it shall be the duty of the attorney or solicitor general, to prosecute said owner or owners, who, on conviction, shall be sentenced to pay a fine at the discretion of the court, and also be imprisoned, if the jury trying the offender or offenders shall think proper to recommend that additional punishment.

Cruelty to slaves by owners.

CONSTRUCTION OF THIS CODE, AND DUTY OF THE JUDGES OF THE SUPERIOR COURTS.

38. Every section of this code, and all its terms and expressions, shall receive a liberal construction, according to the true intention and meaning, and which may be best calculated to carry it into effect.

A liberal construction to be given to this code.

39. It shall, and it is hereby declared to be the duty of the judges of the Superior Courts, to make a special report semiannually, to the Governor of this state, and by him to be submitted to the legislature, of all such defects, omissions or imperfections in this code, as experience on their several circuits may suggest.

Judges to make a semi-annual report to the Governor on this code.

CONVICTIONS FOR A SECOND OFFENCE.

40. Any person convicted of an offence, which by this code has subjected him to an imprisonment in the penitentiary for a period of five years, or not exceeding seven years, shall, upon conviction a second time for the same offence, be sentenced to un-

Offenders, how punished on a second conviction for a like offence.

(No. 380.) dergo an imprisonment at hard labour, in the penitentiary, for the period of ten years.

Punishment
on a second
conviction for
a different
offence.

41. Any person convicted of an offence different from that of which he or she has been before convicted, and has been sentenced to, or suffered an imprisonment in the penitentiary, on such first conviction, for the period of one year, and not exceeding four years, shall, upon such second conviction, be sentenced to undergo an imprisonment in the penitentiary at hard labour, for the term of seven years.

Crimes com-
mitted pre-
vious to the
operation of
this act, how
punished.

42. All crimes and offences committed before this act goes into operation, shall be prosecuted as heretofore, but the punishments shall be as similar to those designated in this code, as it may be in the power of the court to order and direct.

Repealing
clause.

43. So soon as this code shall have been declared in operation, all laws or parts of laws repugnant to it shall be, and they are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 381.)

To amend the Penal Code of this state.

FIRST DIVISION OF THE CRIMINAL CODE.

Persons capable of committing crimes.

SECT. 1. A crime or misdemeanor shall consist in a violation of a public law, in the commission of which there shall be an union, or joint operation of act, and intention or criminal negligence. A misdemeanor or crime defined.

SECT. 2. Intention will be manifested by the circumstances connected with the perpetration of the offence, and the sound mind and discretion of the person accused. Intention, how manifested.

SECT. 3. A person shall be considered of sound mind who is neither an idiot, a lunatic, or afflicted by insanity, or who hath arrived at the age of fourteen, or before that age, if such person know the distinction between good and evil. Sound mind.

SECT. 4. An infant under the age of nine years, whose tender age renders it improbable that he or she should be impressed with a proper sense of moral obligation, or of sufficient capacity deliberately to have committed the offence, shall not be considered or found guilty of any crime or misdemeanor. Infants under the age of nine years, incapable of committing crimes.

SECT. 5. A lunatic, or person insane, without lucid intervals, shall not be found guilty of any crime with which he or she may be charged: *Provided*, the act so charged as criminal have been committed in the condition of such lunacy or insanity. Lunatics, &c. not to be found guilty of any crime. Proviso.

SECT. 6. An idiot shall not be found guilty, or punished for any crime or misdemeanor with which he or she may be charged. An idiot not punishable.

SECT. 7. Any person counselling, advising or encouraging an infant under the age of nine years, lunatic or idiot, to commit an offence, shall be prosecuted for such offence, Advising an infant under the age of nine years, lu-

* See act of 1818, No. 382, and act of 1819, No. 383, both amendatory of this act.

(No. 381.) when committed, as principal, and if found guilty, shall suffer the same punishment as natic or idiot, to commit a crime, how punished. would have been inflicted on said infant, lunatic or idiot, if he or she had possessed discretion, and been found guilty.

Feme coverts, acting under the coercion of their husbands, exempt from punishment in certain cases. The husband punishable. Proviso.

SECT. 8. A feme covert, or married woman, acting under the threats, command or coercion of her husband, shall not be found guilty of any crime or misdemeanor not punishable by death or perpetual imprisonment; and with this exception, the husband shall be prosecuted as principal, and receive the punishment which otherwise would have been inflicted on the wife, if she had been found guilty: *Provided*, it appears from all the facts and circumstances of the case, that violent threats, command and coercion were used.

Drunkenness no excuse for crimes, &c.

SECT. 9. Drunkenness shall not be an excuse for any crime or misdemeanor, unless such drunkenness was occasioned by the fraud, artifice or contrivance of other person or persons, for the purpose of having a crime perpetrated; and then the person or persons, so causing said drunkenness for such malignant purpose, shall be considered a principal, and suffer the same punishment as would have been inflicted on the person or persons committing the offence, if he, she or they had been possessed of sound reason and discretion.

Acts committed by misfortune and accident, not punishable.

SECT. 10. A person shall not be found guilty of any crime or misdemeanor committed by misfortune and accident, and where it satisfactorily appears there was no evil design or intention, or culpable neglect.

Slaves in certain cases not liable for crimes committed under the threats, &c. of owners, &c.

Said owner, &c. how punished.

SECT. 11. A slave committing a crime, which if committed by a free white person would not be punishable by this act with death, by the threats, command or coercion of his or her owner, or any person exercising or assuming authority over such slave, shall not be found guilty; and it appearing from all the facts and circumstances of the case, that the crime was committed by the threats, command and coercion of the owner, or the person exercising or assuming authority over such slave, he or she, the said owner or person, shall be prosecuted for, and if found guilty of the crime, shall suffer the same punishment as he or she, the said owner or other person, would have incurred if he or she, or said other person, had actually committed the offence with which the slave is charged.

Persons committing a crime under certain violent threats, &c. exempt from punishment. The person using such threats, &c. how punished.

SECT. 12. A person committing a crime or misdemeanor, under threats and menaces, which sufficiently show that his or her life or member was in danger, or that he or she had reasonable cause to believe, and did actually believe that his or her life or member was in danger, shall not be found guilty; and such threats and menaces being proved and established, the person or persons compelling, by said threats and menaces,

the commission of the offence, shall be considered a principal or principals, and suffer (No. 381.) the same punishment as if he, she or they had perpetrated the offence.

SECOND DIVISION.

Accessories in crimes.

SECT. 1. An accessory is he who stands by, aids and assists, or who not being present aiding, abetting or assisting, hath advised and encouraged the perpetration of the crime: he or she who thus aids, abets or assists, or advises or encourages, shall be called a principal in the second degree. An accessory defined.

SECT. 2. *An accessory is also a person who, after full knowledge that the crime has been committed, conceals it from the magistrate, or harbours and protects a person charged with, or found guilty of the crime: he or she who thus conceals the offence, or harbours or protects the person or persons guilty of it, shall be called a principal in the third degree. Accessory after the fact.

THIRD DIVISION.

Crimes against the state and the people.

SECT. 1. Crimes against the state and the people shall consist in treason in the first degree and second degree, exciting or attempting to excite an insurrection or revolt of slaves. Crimes against the state.

SECT. 2. Treason in the first degree, shall consist in levying war against the state, in the same, or being adherent to the enemies of the state within the same, giving to them aid and comfort in this state or elsewhere, and thereof being legally convicted of open deed, by two or more witnesses, or other competent and credible testimony, or voluntary confession. These cases shall be adjudged treason against the state and people; and when the overt act of treason shall be committed without the limits of this state, the person charged therewith may be arrested and tried in any county of this state, within the limits of which he may be found, and being thereof convicted, shall be punished in like manner as if the said treason had been committed and done within the limits of said county. Treason in the first degree shall be punished with death. What shall constitute treason in the first degree.

Punished with death.

* This section repealed, and another definition substituted by act of 1818, No. 382, section 1st

(No. 381.) SECT. 3. Treason in the second degree shall consist in the knowledge and concealment of treason, without otherwise assenting to or participating in the same. The punishment of treason in the second degree shall be solitary confinement or hard labour in the penitentiary, for any term not less than three years, nor longer than seven years.

Exciting or attempting to excite a revolt of slaves, punished with death. SECT. 4. Exciting an insurrection or revolt of slaves, or any attempt, by writing, speaking or otherwise, to excite an insurrection or revolt of slaves, shall be punished with death.

FOURTH DIVISION.

Crimes and offences against the persons of citizens or individuals.

Murder defined. SECT. 1. Murder is the killing of a human being, in the peace of the state, with malice aforethought, either express or implied.

Express malice defined. SECT. 2. Express malice is that deliberate intention unlawfully to take away the life of a fellow creature, which is manifested by external circumstances capable of proof.

Implied malice. SECT. 3. Malice shall be implied where no considerable provocation appears, and where all the circumstances of the killing show an abandoned and a malignant heart. The punishment of murder shall be death.

Murder called homicide in the first degree. SECT. 4. Murder shall be denominated homicide in the first degree.

Manslaughter defined. SECT. 5. Manslaughter is homicide in the second degree: manslaughter is the killing of a human creature, without malice express or implied, and without any mixture of deliberation whatever: it must be voluntary, upon a sudden heat of passion, or involuntary, in the commission of an unlawful act, or a lawful act, without due caution and circumspection.

Voluntary manslaughter. SECT. 6. In all cases of voluntary manslaughter, there must be some actual assault upon the person killing, or an attempt by the person killed to commit a serious personal injury on the person killing. Provocation by words, threats, menaces, or contemptuous gestures, shall be in no case sufficient to free the person killing from the guilt and crime of murder. The killing must be the result of that sudden violent impulse of passion supposed to be irresistible; for if there should appear to have been an interval between the assault or provocation given and the homicide, sufficient for the voice of reason and humanity to be heard, the killing shall be attributed to deliberate revenge, and punished as murder.

SECT. 7. Voluntary manslaughter shall be punished by confinement or labour, or solitude, in the penitentiary, for a term not less than one year nor longer than five.*

(No. 381.)
Punishment
for voluntary
manslaughter.

SECT. 8. Involuntary manslaughter shall consist in the killing of a human being without any intention to do so, but in the commission of an unlawful act; or a lawful act which probably might produce such a consequence, in an unlawful manner. *Provided always,* that where such involuntary killing shall happen in the commission of an unlawful act, which in its consequences naturally tends to destroy the life of a human being, or is committed in the prosecution of a felonious or riotous intent, the offence shall be deemed and adjudged to be murder.

Involuntary
manslaughter;
Proviso.

SECT. 9. Involuntary manslaughter, in the commission of an unlawful act, shall be punished by confinement or hard labour, or solitude, in the penitentiary, for a term not less than six months, and not longer than three years.

Involuntary
manslaughter
in the commis-
sion of an un-
lawful act,
how punished.

SECT. 10. Involuntary manslaughter, in the commission or performance of a lawful act, where there has not been observed necessary discretion and caution, shall be punished by confinement or hard labour, or solitude, in the penitentiary, for a term not less than three months, and not longer than one year.

In the commis-
sion of a law-
ful act without
due caution,
&c. how pun-
ished.

SECT. 11. In all cases of voluntary or involuntary manslaughter, the court may order the commutation of the punishment in the penitentiary, for that of confinement in the common jail of the county where the offence may have been committed, and a fine to be imposed at the discretion of the court; which fine shall be paid to the clerk of the Inferior Court, for the use of the poor of the county where the conviction takes place.

Commutation
of punishment
in cases of
manslaughter
authorized.

SECT. 12. There being no rational distinction between excusable and justifiable homicide, it shall no longer exist. Justifiable homicide is the killing of a human being in self-defence, or in defence of habitation, property or person, against one who manifestly intends, or endeavours by violence or surprise to commit a known felony, such as murder, rape, robbery, burglary and the like, upon either; or against any persons who manifestly intend and endeavour, in a riotous and tumultuous manner, to enter the habitation of another, for the purpose of assaulting or offering personal violence to any person dwelling or being therein.

Justifiable ho-
micide defin-
ed.

* The punishment for voluntary manslaughter shall be confinement *and* hard labour, or solitude, in the penitentiary, for the term specified in the above section. Labour or solitude shall compose a part of the punishment in *all* cases of commitment to the penitentiary. See act of 1819, No. 383.

(No. 381.) **SECT. 13.** A bare fear of any of those offences, to prevent which the homicide is alleged to have been committed, shall not be sufficient to justify the killing; it must appear that the circumstances were sufficient to excite the fears of a reasonable man, and that the party killing really acted under the influence of those fears, and not in the spirit of revenge.

The killing of a trespasser who has no felonious intent. **SECT. 14.** If a person invades or trespasses on the property or habitation of another, not with an intention to commit a felony, the killing shall be murder, manslaughter or justifiable homicide, according to the circumstances of the case.

Homicide in self-defence. **SECT. 15.** If a person kills another in his defence, it must appear that the danger was so urgent and pressing, that in order to save his own life the killing of the other was absolutely necessary; and it must appear also, that the person killed was the assailant, or that the slayer had really and in good faith endeavoured to decline any further struggle before the mortal blow was given.

Plea of necessity, when available. **SECT. 16.** In no case shall a person justify the killing of another, under the pretence of necessity, unless he were wholly without fault imputable by law, in bringing that necessity upon himself.

Killing a slave in the act of revolt. **SECT. 17.** Killing a slave in the act of revolt, or when the said slave resists a legal arrest, shall be justifiable homicide.

Killing or maiming a slave or person of colour. **SECT. 18.** In all cases the killing or maiming a slave or person of colour shall be put upon the same footing of criminality as the killing or maiming a white man or citizen.

Homicide in repelling a forcible attack, &c. on one's property or habitation, when justifiable. **SECT. 19.** If, after persuasion, remonstrance, or other gentle measures used, a forcible attack and invasion on the property or habitation of another cannot be prevented, it shall be justifiable homicide to kill the person so forcibly attacking and invading on the property or habitation of another; but it must appear that such killing was absolutely necessary to prevent such attack and invasion, and that a serious injury was intended or might accrue to the person, property or family of the person killing.

General clause. **SECT. 20.** All other instances, which stand upon the same footing of reason and justice as those enumerated, shall be justifiable homicide.

Acquittal in case of justifiable homicide. **SECT. 21.** The homicide appearing to be justifiable, the person indicted shall, upon his trial, be fully acquitted and discharged.

SECT. 22. If any woman shall endeavour privately, either by herself or the procure- (No. 381.)
ment of others, to conceal the death of any issue of her body, male or female, which, if An attempt to
it were born alive, would by law be a bastard, so that it may not come to light, whether conceal the
it was murdered or not, every such mother, being convicted thereof, shall suffer an im- death of a bas-
prisonment at hard labour or in solitude, in the penitentiary, for any time not exceeding tard child by
one year. its mother,
how punished.

SECT. 23. If the same indictment charge any woman with the murder of her bastard How a jury
child, as well as with the offence in the preceding section, the jury by whom such wo- may find, when
man shall be tried may acquit her of murder, and find her guilty of concealing the death a woman is
of the bastard, or acquit her of both offences; but if the said jury shall find her charged in the
guilty of the murder, they shall return no verdict upon the count for the concealment same indict-
of the death of the bastard: and if any person shall counsel, advise, or direct such wo- ment with the
man to kill the child she is pregnant or goes with, and after she is delivered of such murder of a
child she kill it, every such person, so advising or directing, shall be deemed accessory bastard child,
to such murder, and shall have the same punishment as the principal shall have. and with the
offence in the
foregoing sec-
tion.

to kill it, and after delivery she does so, person so advising, For advising a
woman preg-
nant with a
bastard child
how punished.

SECT. 24. The constrained presumption, arising from the concealment of the death of Probable
any child, that the child, whose death is concealed, was therefore murdered by the mo- proof that the
ther, shall not be sufficient or conclusive evidence to convict the person indicted of the child was born
murder of her child, unless probable proof be given that the child was born alive, requir-
ed.
unless the circumstances attending it shall be such as shall satisfy the minds of the jury
that the mother did wilfully and maliciously destroy and take away the life of such
child.

SECT. 25. If any person shall be charged with voluntary or involuntary manslaughter, In certain ca-
happening in consequence of an unlawful act, it may be lawful for the attorney or sas of man-
solicitor general to wave the felony, by leave of the court, and to proceed against and slaughter, the
charge such person with a misdemeanor; and such person, on conviction, for said mis- felony may be
demeanor, shall be punished by paying a fine, to be appropriated as the court may di- waved, and
rect, not exceeding one thousand dollars, or be imprisoned in the common jail, or both; the offender
and the attorney or solicitor general may, without obtaining leave of the court, charge proceeded
the felony and misdemeanor in the same indictment, and the jury by whom the said against for a
person shall be tried may find said person guilty of either charge. misdemeanor.
On conviction
thereof, what
penalty.

be charged in the same The felony
and misde-
meanor may
indictment.

SECT. 26. Mayhem shall consist in unlawfully depriving a person, free or slave, of a Mayhem de-
member, or disfiguring or rendering it useless. fined.

(No. 381.) **SECT. 27.** If any person shall unlawfully cut out or disable the tongue, put out an eye, slit the nose, ear or lip, or cut off or disable any limb or member of another, with an intention, in so doing, to maim or disfigure such person, or shall voluntarily, maliciously, and of purpose, pull or put out an eye or eyes, while fighting or otherwise, every such person shall be guilty of mayhem.

Mayhems,
specified.

Maiming the
tongue, how
punished.

SECT. 28. A person convicted of cutting out or disabling the tongue, with the intention as expressed in the previous section, shall be punished by confinement and hard labour, in the penitentiary, for a term not less than two years, nor longer than seven years.

For putting
out an eye,
offender how
punished.

For putting
out the eyes
of another, or
the only eye
of any person,
offender how
punished.

SECT. 29. A person convicted of putting out an eye, with the intention, or voluntarily or maliciously, as before expressed, in fight or otherwise, shall be punished by confinement and hard labour, in the penitentiary, for any time not less than one year, nor longer than five years: and a person convicted of putting or pulling out the eyes of another, or the eye of another having but one eye, with a similar intention, or voluntarily or maliciously, while fighting or otherwise, shall be punished by solitary confinement and labour, for and during the term of his natural life.

Maiming the
nose, ear or
lip of another,
how punished.

SECT. 30. A person convicted of biting, slitting or cutting off the nose, ear or lip of another, with the intention as before expressed, shall be punished by confinement and labour in the penitentiary, for a term not less than one year, nor longer than three years.

For cutting off
or disabling
any limb, &c.
not herein
specified, of-
fender how
punished.

SECT. 31. A person convicted of cutting off or disabling any limb or member of another, not herein designated, with the intention as before expressed, shall be punished by imprisonment and labour, in the penitentiary, for a term not less than one year, nor longer than five years.

Rape defined.

SECT. 32. Rape is the carnal knowledge of a female, forcibly and against her will.

Punishment
thereof.

SECT. 33. Rape shall be punished by an imprisonment at hard labour in the penitentiary, for a term not less than two years, nor longer than twenty years.

An assault
with intent to
commit a rape,
how punished.

SECT. 34. An assault, with intent to commit a rape, shall be punished by imprisonment at hard labour in the penitentiary, for a term not less than one year, nor longer than five years.

Sodomy and
bestiality.

SECT. 35. Sodomy and bestiality shall be punished by imprisonment at hard labour in the penitentiary, during the natural life or lives of the person or persons convicted of these detestable crimes, or either of them.

SECT. 36. An attempt to commit sodomy or bestiality, shall be punished by imprisonment at hard labour in the penitentiary, for a term not less than two years, nor longer than three years. (No. 381.)

An attempt to commit sodomy or bestiality.

Punishment.

SECT. 37. An assault is an attempt to commit a violent injury on the person of another.

Assault defined.

SECT. 38. A bare assault, shall be punished by fine or imprisonment in the common jail of the county, at the discretion of the court.

Punishment thereof.

SECT. 39. An assault with an intent to murder, by shooting at or stabbing, or using any weapon likely to produce death, shall be punished by imprisonment at hard labour in the penitentiary, for a term not less than one year, nor longer than five years.

Assault with intent to murder, its punishment.

SECT. 40. All other assaults upon or attempts against persons not mentioned or enumerated in this code, but heretofore indictable offences, shall be punished by fine or imprisonment in the common jail of the county where the offence has been committed, at the discretion of the court.

Assaults, &c., heretofore indictable, and not herein specified, how punishable.

SECT. 41. Battery is the unlawful beating of another.

Battery defined.

SECT. 42. Battery shall be punished by fine or imprisonment, or both, at the discretion of the court, in the common jail of the county where the offence may have been committed; and in aggravated cases, requiring greater severity, the court may punish the offender by an imprisonment in the penitentiary, at hard labour, for any term not less than six months, nor longer than one year.

Punishment thereof.

Aggravated batteries, how punishable.

SECT. 43. False imprisonment is a violation of the personal liberty of a free white person or citizen, and consists in confinement or detention without sufficient legal authority.

False imprisonment defined.

SECT. 44. The arrest, confinement or detention of a person or a citizen by another, having no process, warrant or legal authority to justify it, shall be punished by fine, and imprisonment in the common jail of the county where the offence may have been committed, or either, at the discretion of the court; and in all cases of an aggravated nature, the court may order an imprisonment in the penitentiary, for any term not longer than two years.

False imprisonment, how punished.

SECT. 45. The arrest, confinement or detention of a free person or citizen, by the warrant, mandate or process of a magistrate, being manifestly illegal, and showing malice and oppression, the said magistrate shall be removed from office, and such magis-

False imprisonment, under a manifestly illegal warrant, &c.

(No. 381.) trate, and all and every person and persons knowingly and maliciously concerned therein, shall be punished by fine, and imprisonment in the common jail of the county where the offence may have been committed.

Other offences against the persons of citizens, heretofore indictable and not herein specified, how punishable.

SECT. 46. All other crimes or offences against the persons of citizens, not mentioned or enumerated in this code, but heretofore subject to prosecution by the laws adopted or in force in this state, shall in future be punished by fine and imprisonment, or either, in the common jail of the counties where said crimes and offences may have been committed, or by imprisonment at hard labour or in solitude, in the penitentiary, as the court may order and direct.

FIFTH DIVISION.

Crimes and offences against the habitations of persons.

Arson and burglary.

SECT. 1. Crimes against the habitations of individuals shall consist of—1st, Arson, and 2d, Burglary.

Arson defined.

SECT. 2. Arson is the malicious and wilful burning of the house or out-house of another.

Arson in a city, town or village, punished with death.

SECT. 3. The wilful and malicious burning or setting fire to, or attempting to burn, a house in a city, town or village, shall be punished with death.

Arson not in a city, town or village, how punished.

SECT. 4. The wilful and malicious burning a dwelling-house on a farm or plantation, or elsewhere, (not in a city, town or village,) shall be punished by imprisonment at hard labour, in the penitentiary, for any term not less than five years, nor longer than twenty years.

Setting fire to a dwelling-house with intent to burn, (not in a city, &c.) how punished.

SECT. 5. Setting fire to a dwelling-house with intent to burn the same, on a farm or plantation, or elsewhere, (not in a city, town, or village,) shall be punished by imprisonment at hard labour, in the penitentiary, for a term not less than three years, nor longer than ten years.

Burning an out-house, &c. (not in a city, town, &c.) how punished.

SECT. 6. The wilful and malicious burning an out-house, such as a barn, stable or any other house, (except the dwelling-house,) on a farm or plantation, or elsewhere, not in a city, town or village, shall be punished by imprisonment at hard labour, in the penitentiary, for any term not less than one year, nor longer than seven years.

SECT. 7. Setting fire to an out-house as before described, shall be punished by imprisonment at hard labour, in the penitentiary, for any term not less than one year, nor longer than two years. (No. 381.)
Setting fire to an out-house, how punished.

SECT. 8. The crime of burning shall be complete where the house is consumed or generally injured. The crime of burning, when complete.

SECT. 9. The offence of setting fire to a house shall be complete when any attempt is made to burn, though no material injury is the consequence. When the crime of setting fire to a house shall be complete.

SECT. 10. Arson in the day-time, (except when committed in a city, town or village,) shall be punished with a shorter period of imprisonment at hard labour, in the penitentiary, than arson committed in the night. Arson in the day-time (not in a city, town, &c.) how punished.

SECT. 11. Arson committed elsewhere than in a city, town or village, which produces the death of any person, shall be punished with the death of the person or persons committing the arson. Arson (not in a city, &c.) which produces the death of any person, how punished.

SECT. 12. Burglary is the breaking or entering into the dwelling or mansion-house, with intent to commit a felony; all out-houses contiguous to and within the curtilage or the protection of the mansion-house, shall be considered as parts of the mansion or dwelling-house. A hired room or apartments in a public tavern, inn or boarding-house, shall be considered as the dwelling-house of the person or persons occupying and hiring the same. Burglary may be committed in the day or night. Burglary defined.

SECT. 13. Burglary in the day-time shall be punished with an imprisonment at hard labour, in the penitentiary, for any time not less than one year, nor longer than five years. May be committed in the day or night. Burglary in the day-time, how punished.

SECT. 14. Burglary in the night shall be punished by imprisonment at hard labour, in the penitentiary, for any time not less than one year, nor longer than seven years. Burglary in the night, how punished.

SIXTH DIVISION.

Of crimes and offences relative to Property.

SECT. 1. Robbery is the felonious and violent taking of money or goods from the person of another, by force or intimidation. Robbery defined.

(No. 381.) **SECT. 2.** Robbery by open force and violence, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than five years.

Robbery by intimidation, how punished. **SECT. 3.** Robbery by intimidation, or without using force and violence, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than three years.

Larceny, its several kinds. **SECT. 4.** Theft or larceny, as contradistinguished from robbery by violence, force or intimidation, shall consist of, 1st. Simple theft or larceny; 2d. Theft or larceny from the person; 3d. Theft or larceny from the house; 4th. Theft or larceny, after a trust or confidence has been delegated or reposed.

Simple larceny defined. **SECT. 5.** Simple larceny, is the feloniously taking and carrying away the personal goods of another.

What may be comprehended under simple larceny. **SECT. 6.** Simple larceny shall embrace every theft which deprives another of his property, or of those means or muniments, by which the right and title to property may be ascertained.

Horse stealing. **SECT. 7.** Horse stealing shall be denominated simple larceny or theft.

Operation of the term "horse." **SECT. 8.** The term horse shall include the animal of both sexes, and without regard to the alterations which may be made by artificial means.

What may be included under the head of horse stealing. **SECT. 9.** Under the head of horse stealing, shall be included the theft of mule or ass, or any animal the hoof of which is not cloven.

The offence, how charged, and the animal, how designated. **SECT. 10.** The offence shall, in all cases, be charged as horse stealing, but the indictment shall designate the sex of the animal, and give any other description by which its identity may be ascertained.

Horse stealing, how punished. **SECT. 11.** The stealing or theft of a horse, mule or ass, shall be punished by imprisonment at hard labour in the penitentiary, for any time not less than one year, nor longer than five years.

Stealing of horses, &c. how punished. **SECT. 12.** The stealing of horses, mules or asses, shall be punished by imprisonment at hard labour in the penitentiary, for any time not less than two years, nor longer than seven years.

SECT. 13. Cattle stealing, shall include the theft or larceny of any horned animal or (No. 381.)
animals, and all animals having the hoof cloven, except hogs. Cattle steal-
ing.

SECT. 14. The indictment shall sufficiently describe the animal or animals falling un- The indict-
der the preceding section, so that it or they may be ascertained and identified, by the ment to de-
owner or owners thereof. scribe said
animals, &c.

SECT. 15. The stealing of one or more animals, under the before given description of The theft of
cattle, shall be punished by fine, and imprisonment in the common jail of the county one or more
where the offence may have been committed, as the court may order and direct, for any animals, how
time not less than six months, nor longer than one year, or at hard labour in the peni- punished.
tentiary, for a term not less than one year, nor more than five years.

SECT. 16. The stealing of a hog or hogs, shall be punished by confinement in the The stealing
common jail of the county where the offence may have been committed, for any time of a hog or
not less than one month, nor longer than six months, or by confinement at hard labour hogs, how
in the penitentiary, for a term not less than one year, nor more than two years. punished.

SECT. 17. If any person or persons shall alter or change the mark or brands of any The altering
animal or animals before mentioned, with an intention to claim the same, or to prevent or changing
identification by the true owner or owners thereof, the person or persons so offending the mark or
shall suffer the same punishment, and the court shall exercise the same discretion, as is brands of any
inflicted and given for the theft of the said animal or animals. of said animals,
how punished.

SECT. 18. All other domestic animals or creatures, which are fit for food, may be sub- What other
jects of larceny. animals may
be subjects of
larceny.

SECT. 19. The punishment for the theft of such domestic animals or creatures, which The theft of
are fit for food, shall be by fine or imprisonment, or both, in the common jail of the such, how
county, as the court may order and direct. punished.

SECT. 20. Larceny may be committed of writings relating to real or personal estate. Writings may
be subjects of
larceny.

SECT. 21. If any person shall take and carry away any paper or papers, documents, A person who
deeds or other writings, relating to real or personal estate, with an intention to impair, shall take and
prevent or render difficult the establishment of a title to real or personal estate, or mu- carry away,
tilate, cancel, burn or otherwise destroy said papers, documents, deeds or writings, with mutilate, can-
the same intention; such person shall be considered guilty of simple larceny or theft, and cel or destroy
punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time any writings
not less than one year, nor longer than two years. concerning
property, shall
be guilty of
larceny.
His punish-
ment.

(No. 381.) **SECT. 22.** The theft of a bond or bonds, note or notes, bank bill or bills, or any paper or papers, securing the payment of money or other thing, or of a receipt or receipts, or any paper or papers operating as a discharge for the payment of money or other thing, shall be punished in the same manner as the theft of the money the said bond or bonds, note or notes, bill or bills, or other papers, were meant to secure; or, of the money the said receipt or receipts, or other paper or papers, were meant to discharge the payment thereof; the punishment for this larceny shall be imprisonment at hard labour in the penitentiary, or in solitude, for any time not less than one year, nor longer than three years.

The theft of any bonds, notes, bills, receipts, &c. how punished.

Punishment.

Fixtures and things which savour of the reality, subjects of larceny.

SECT. 23. Theft or larceny may be committed of any thing or things which, in the language of the law, savours of the reality, or of any fixture or fixtures, and the punishment shall be fine or imprisonment, or both, in the common jail of the county, as the court may order and direct.

Plundering vessels in distress, how punished.

SECT. 24. Plundering or stealing from a vessel in distress, or from a wreck, within the jurisdictional limits of this state, shall be punished by imprisonment at hard labour, in the penitentiary, for any time not less than one year, nor longer than five years.

The embezzlement, &c. of any notes, bills, effects, &c. belonging to any chartered bank, by any officer, or servant thereof, how punished.

SECT. 25. If an officer or servant, or other person employed in a bank deriving its charter from the legislature of this state, or United States, shall steal, secrete or embezzle, or run away with any note or notes, bank bill or bills, warrant or warrants, bond or bonds, deed or deeds, security or securities, draft or drafts, check or checks, money or effects, entrusted with him or the directors of said bank, such offender shall be punished by imprisonment at hard labour, or in solitude, in the penitentiary, for any time not less than three years, nor longer than seven years.

The taking and carrying away a slave, how punished.

SECT. 26. Any person or persons who shall feloniously take and carry away a slave, shall be punished by imprisonment at hard labour in the penitentiary, for a time not less than three years, nor longer than seven years.

The inveigling a slave from his owner, &c. how punished.

SECT. 27. If any person or persons shall, by any enticement, or by giving a pass, or by any other means, induce a slave or slaves to run away from his, her or their owner or owners, with an intention feloniously to sell said slave or slaves, or otherwise to deprive the said owner or owners of the services of said slave or slaves, such person or persons so offending shall be punished by imprisonment at hard labour, for any time not less than three years, nor longer than seven years.

Larcenies of personal goods not de-

SECT. 28. All larcenies or simple thefts of the personal goods of others, not mentioned or particularly designated in this code, shall be punished by imprisonment in the

common jail of the county where the said offences may have been committed, or by imprisonment in solitude or at hard labour in the penitentiary; but no imprisonment shall be directed or ordered in the penitentiary, unless the goods stolen shall be of the value of twenty dollars: (No. 381.)
signated in this code, how punished.

SECT. 29. In every case of simple larceny or theft, not mentioned in this code, the person convicted shall be imprisoned in the common jail of the county, or in the penitentiary; which imprisonment shall in no case exceed one year.
Punishment of thefts not herein designated.

THEFT, OR LARCENY FROM THE PERSON.

SECT. 30. Theft, or larceny from the person, as distinguished from robbery, before described, is the offence of feloniously taking any money, goods, effects or chattels, or any article of value, from the person of any other privately, without his knowledge, in any place whatever.
Larceny from the person, defined.

SECT. 31. A person convicted of this class of larceny shall be imprisoned in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than five years.
Punishment thereof.

SECT. 32. If the goods, money, chattels or effects, or any article so privately stolen from the person, do not amount to, or are of the value of twenty dollars, then the person convicted shall be punished by imprisonment in the common jail of the county where the offence may have been committed, for any time not longer than one year, as the court may order and direct.
When the imprisonment shall be in the common jail.

SECT. 33. If this offence is committed in a public place, or where many persons are assembled, it shall be considered as greatly adding to the criminality of the action, and the punishment shall be proportionably increased and enlarged, as the court may order and direct, before whom the conviction takes place.
When the offence is committed in a public place, punishment to be enlarged, &c.

SECT. 34. Any sort of secret, sudden or felonious taking from the person, without using intimidation, or open force and violence, shall be within this class and description of larceny, though some small force be used by the thief to possess himself of the property: *Provided*, there be no resistance by the owner, or injury to his person, and all the circumstances of the case show that the thing was taken, not so much against, as without the consent of the owner.
What acts shall be within this class of larceny.
 Proviso

(No. 381.)

LARCENY FROM THE HOUSE.

Larceny from
the house,
defined.

SECT. 35. Larceny from the house, is the entering or breaking any house (other than a dwelling-house or its appertenances) with an intent to steal, or after entering or breaking said house, stealing therefrom any money, goods, chattels, wares, merchandize, or any thing or things of value whatever.

Larceny from
the house,
how punished.

SECT. 36. All and every person and persons who, by night or day, shall, in any store, shop or warehouse, or any other house or building, privately and feloniously steal any goods, wares or merchandize, or any other article or articles, thing or things of value, though such store, shop or warehouse, or other house or building, be not actually broken open by such offender or offenders, or shall assist, hire or command any person to commit such offence, shall be punished by imprisonment at hard labour, or in solitude, in the penitentiary, for any time not less than one year, nor longer than five years.

Entering a
house with in-
tent to steal,
how punished.

SECT. 37. Any person or persons entering a house or building, as before described, with intent to steal, but is detected and prevented from so doing, shall be punished by imprisonment at hard labour in the penitentiary, or in solitude, for any period not less than one year, nor longer than three years.

Breaking any
part of a
house with in-
tent to steal,
how punished.

If the owner
or other per-
son be in the
house and put
in fear, off-
ender how pun-
ished.

SECT. 38. Any person or persons breaking any part of a house or building, as before described, with intent to steal, but is detected and prevented from effecting such intention, shall be punished by imprisonment in solitude, or at hard labour, in the penitentiary, for any time not less than one year, nor longer than three years; but if the owner of said house or building, or any other person, be in the house at the time of such breaking, and put in fear, then the said offender or offenders shall be punished by imprisonment at hard labour in the penitentiary, for any time not less than two years, nor longer than seven years.

Breaking and
entering a
house with in-
tent to steal,
how punished.

Breaking and
entering any
house, and
stealing there-
from, how
punished.

SECT. 39. Any person breaking and entering a house or building, as before described, with intent to steal, but is detected and prevented from carrying such intention into effect, shall be punished by imprisonment in solitude, or at hard labour, in the penitentiary, for any time not less than one year, nor longer than three years: and any person breaking and entering any house, as before described, under this class of larceny, and stealing from said house or building any goods, wares or merchandize, article or articles, thing or things of value, shall be punished by imprisonment at hard labour in the penitentiary, for any time not less than two years, nor longer than five years.

SECT. 40. If the said breaking, entering, and stealing be accompanied by any violence, (No. 381.) menace or threat, or by alarming and putting in fear any person in said house, then the imprisonment at hard labour shall be extended to the longest period mentioned under this class of larceny.

Punishment extended to the longest term when the larceny is accompanied by violence, menace, or alarm.

SECT. 41. Entering or breaking with intent to steal, entering and stealing, breaking and stealing, breaking and entering with intent to steal, breaking, entering and stealing from any house, building or edifice belonging to the state or a corporate body, or appropriated for any public purpose, shall be punished in the same manner as if the offence had been committed in a private house or building, as before described under this head of larceny.

The foregoing provisions extended to all public buildings, &c.

SECT. 42. Accessories, or persons assisting, commanding or advising any person to commit any offence under this class of larceny, shall receive the same punishment as may be inflicted on the principal or principals.

Accessories to offences under this class of larceny, how punished.

SECT. 43. Any person entering and stealing from any hut, tent, booth or temporary building, shall be punished in the same manner as if the offence had been committed by privately stealing from a house or building, as before described under this class of larceny.

Entering and stealing from any hut or temporary building, &c. how punished.

THEFT OR LARCENY AFTER A TRUST HAS BEEN DELEGATED, OR A CONFIDENCE REPOSED.

SECT. 44. Any servant, officer or person employed in any public department, station or office of the government of this state, or any county of this state, or in any office of a corporate body, who shall embezzle, steal, secrete, or fraudulently take and carry away, any money, goods, chattels, effects, bond or bonds, promissory note or notes, commonly called bank bills or notes, or any other security for the payment of money, of whatever description it may be, being the property of said state, county or corporate body, shall be punished by imprisonment at hard labour, in the penitentiary, or in solitude, for any time not longer than five years.

Embezzlements, &c. by public officers, or any person employed in the office of a corporate body, how punished.

SECT. 45. If any person shall fraudulently or maliciously tear, burn, or in any other way destroy any deed, lease, will, bond, or any other writing sealed, or any bank bill or note, check, draft, or other security for the payment of money or the delivery of goods, or any certificate or other public security of this state, or of the United States, or any of them, for the payment of money, or any receipt, acquittance, release, discharge of any debt, suit or other demand, or any transfer or assurance of money, stock, goods, chattels

The tearing, burning, or otherwise destroying any deed, note, bank bill, check, or other instruments in this section design-

(No. 381.) or other property, or any letter of attorney, or other power, or any day book, or other book of account, or any agreement or contract whatever, with intent to defraud, prejudice or injure any person or body corporate, the person so offending shall, on conviction, be punished by paying a fine not exceeding one thousand dollars, and also be imprisoned in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than three years.

The destroying, altering, or removing any land-mark, how punished.

SECT. 46. If any person shall knowingly, maliciously or fraudulently cut, fell, alter or remove any certain boundary tree, or other allowed land-mark, to the wrong of his neighbour or any other person, he or she shall, on conviction, be punished by paying a fine not exceeding five hundred dollars, and be imprisoned in the common jail of the county, for any time not exceeding one year, or be confined in the penitentiary, at hard labour, not exceeding one year, as the court may order and direct.

FORGERY AND COUNTERFEITING.

Any person forging, counterfeiting, or altering any of the writings, instruments or securities in this section designated;

SECT. 47. If any person or persons shall falsely make, forge, alter or counterfeit, or cause or procure to be falsely made, forged, altered or counterfeited, or willingly act or assist in falsely making, forging or counterfeiting any audited certificate or other certificate, issued or purporting to have been issued by the auditor general, or other officer authorized to issue the same, or any order or warrant issued, or purporting to have been issued, by the Governor, or the president of the Senate or speaker of the House of Representatives of the General Assembly of this state, or by any officer of the government or authorized person, on the treasury of said state, for any money or other thing, or any warrant for land, issued or purporting to have been issued by the justices of any land court, or by any other tribunal, officers or person authorized to do so within this state, or any certificate, draft, warrant or order, from any of the public officers of this state, issued or purporting to have been issued under or by virtue of an act or resolution of the legislature or General Assembly of this state, or any certificate, draft or order, or warrant issued or purporting to have been issued by any court, officer or person authorized to draw on the treasury of this state, or for public money, wherever the same may be deposited, or any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note or order for money or goods, or any acquittance or receipt, or any endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note or order for money or goods, with intent to defraud the said state, public officer or officers, courts or any persons authorized, or any person or persons whatever; or shall utter or publish as true, any false, forged, altered or counterfeited audited certificate, Governor's, president's, speaker's, or other public officer's, court's or person's duly authorized certificate, draft, warrant or order, so as aforesaid issued or purporting to have been issued, or any deed, will, testament, bond, writing obligatory, bill of exchange,

Or who shall utter, or publish as true, any of the said forged, altered, or counterfeited writings, instru-

promissory note, or order for money or goods, or acquittance and receipt for money or goods, or any endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note or order for money or goods, with intent to defraud the said state, public officers, courts, or persons authorized as aforesaid, or any person or persons whatsoever, knowing the same to be so falsely made, forged, altered or counterfeited; every such person or persons, so offending, and being thereof convicted, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any period of time not less than two years, nor longer than ten years. (No. 381.)

ments, or securities, knowing them to be false, &c.

How punished.

SECT. 48. If any person shall falsely and fraudulently make, forge or counterfeit, or be concerned in the false and fraudulent making, forging and counterfeiting, of any gold, silver or copper coin, which now is, or shall be passing or in circulation within this state, or shall falsely and fraudulently make, or be concerned in the false and fraudulent making, of any base coin, of the likeness or similitude of any gold, silver or copper coin, which now is, or shall be passing or in circulation within this state; or shall falsely and fraudulently utter, publish, pay or tender in payment, any such counterfeit and forged coin of gold, silver or copper, or any base coin, knowing the same to be forged and counterfeited, or base, or shall aid or abet, counsel or command the perpetration of either of the said crimes; such person shall, on conviction, be punished by a fine not exceeding five hundred dollars, and also undergo an imprisonment at hard labour or in solitude, in the penitentiary, for a period of time not exceeding ten years.

Any person counterfeiting of any gold, silver or copper coin;

Or who shall utter, pay or tender in payment, any such counterfeit or base coin, &c.

How punished.

SECT. 49. If any person shall falsely and fraudulently make, sign or print, or be concerned in the false and fraudulent making, signing or printing any counterfeit note or bill, of a bank of this state, or the note or bill of any incorporated bank, whose notes or bills are in circulation in this state, or falsely and fraudulently cause or procure the same to be done; such person, on conviction, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any period not exceeding ten years.

Counterfeiting any bank bill or note, &c. how punished.

SECT. 50. If any person shall falsely and fraudulently make, sign or print, or be concerned in the false and fraudulent making, signing or printing of any check or draft, upon any bank of this state, or bank as aforesaid, or falsely and fraudulently cause or procure the same to be done; such person, on conviction, shall suffer the same punishment as is mentioned for the crime, in the preceding section.

Counterfeiting bank checks or drafts;

How punished.

SECT. 51. If any person shall falsely and fraudulently alter, or be concerned in the false and fraudulent alteration of any genuine note, bill, check or draft, as aforesaid, or falsely and fraudulently cause or procure the same to be done; the person so offending shall suffer the same punishment as is prescribed for the crime of falsely and fraudulently making, signing and printing any bank bill or note, in the forty-ninth section.

Fraudulently altering any genuine bank note, bill, check or draft, how punished.

(No. 381.) SECT. 52. If any person shall falsely and fraudulently pass, pay, or tender in payment, utter or publish, any false, forged, counterfeit or altered note, bill, check or draft, as aforesaid, knowing the same to have been falsely and fraudulently forged, counterfeited or altered, the person so offending shall, upon conviction, be punished by imprisonment at hard labour or in solitude, in the penitentiary, for any time not exceeding ten years.

Uttering, passing or tendering in payment, any counterfeit or altered bank note, check, or draft, knowing it to be such, how punished.

Having said counterfeit or altered notes, bills, &c. in possession, with intent to pass the same, how punished.

SECT. 53. If any person shall have in his or her possession, any such false, forged, counterfeit or altered note or notes, bill or bills, draft or drafts, check or checks, with intention fraudulently to pass the same, such person, on conviction, shall be punished by imprisonment at hard labour, in the penitentiary, for any period of time not exceeding fifteen years.

Having in possession any bank paper, types or machinery for the purpose of forgery and counterfeiting, how punished.

SECT. 54. If any person shall have in his or her possession any bank paper, types, plates or machinery, for the purpose of falsely or fraudulently forging and counterfeiting any notes, bills, checks or drafts as aforesaid, the person so offending shall be punished by imprisonment at hard labour, in the penitentiary, for any period of time not exceeding ten years.

Counterfeiting or altering any note, bill, &c. of any body corporate, company, or mercantile firm, or uttering or passing, &c. the same, how punished.

SECT. 55. If any person shall falsely and fraudulently make, forge, counterfeit or alter any note, bill, draft or check of or on any person, body corporate, company or mercantile house or firm, or purporting so to be, or fraudulently and falsely utter, publish, pass, pay or tender the same in payment, or demand payment of the same, knowing the said bill, note, draft or check to be forged and counterfeit, or falsely and fraudulently altered; such person so offending shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any period of time not exceeding ten years.

Making, signing, or altering any other writing with a fraudulent intent, how punished.

SECT. 56. If any person shall fraudulently make, sign or alter, or be concerned in the fraudulent making, signing or altering, any other writing, with intent to defraud any person or persons, or body corporate, or shall fraudulently cause or procure the same to be done, the person or persons so offending shall, on conviction, be punished by imprisonment at hard labour, in the penitentiary, for any period of time not exceeding five years.

The offences of forgery and counterfeiting, with regard to public or other seals, authorized by law;

SECT. 57. If any person shall falsely and fraudulently forge or counterfeit, or falsely be concerned in the forging and counterfeiting the great seal of this state, or any seal used for government purposes, the public and common seal of any court, office, county or a corporation, or any other seal authorized by law, or shall falsely and fraudulently cause or procure the same to be forged and counterfeited, or shall falsely, fraudulently,

and knowingly, impress or cause to be impressed, any instrument whatever, whether the (No. 381.) same be written or printed, or partly written and partly printed, with such forged and counterfeit seal; or shall falsely, fraudulently, and knowingly annex or affix, or cause to be annexed or affixed to any such instrument, such forged and counterfeit seal; or shall falsely and fraudulently utter or publish any instrument or writing whatever, impressed with such forged and counterfeit seal, knowing the same to be forged and counterfeit; the person so offending, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any period of time not exceeding ten years.

And the offence of uttering any instrument impressed with such counterfeit seal, how punished.

SECT. 58. Any person who shall draw or make a bill of exchange or promissory note, or endorse or accept the same, in a fictitious name, shall be guilty of forgery, and, on conviction, be punished by imprisonment at hard labour for any period of time not exceeding five years.

Drawing, endorsing, or accepting a bill of exchange or note in a fictitious name, how punished.

SECT. 59. If any person shall put his own name to any instrument, representing himself to be a different person of that name, such person shall be guilty of forgery, and, upon conviction, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any period of time not exceeding seven years.

Any person signing his name to any instrument, and representing himself to be another person of that name, how punished.

SECT. 60. If any person shall designedly, by colour of any counterfeit letter or writing, made in any other person's name, or fictitious name, obtain from any person money, goods, chattels, or other valuable thing, with intent to defraud any person, mercantile house or body corporate, of the same, the person so offending shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any period of time not exceeding five years.

Fraudulently obtaining any goods, &c. from any person by means of any counterfeit letter or writing; How punished.

SEVENTH DIVISION.

Crimes and offences against the public justice.

SECT. 1. If any person shall wilfully and corruptly commit perjury, or shall by any means procure or suborn any person to commit wilful and corrupt perjury on his or her oath or affirmation, legally administered in any judicial proceeding, matter or cause, which may be depending in any of the courts of this state, or before any judge, justice, mayor, alderman, or other magistrate, or before any notary public, arbitrator or clerk, or in any deposition or affidavit, taken for any purpose whatever, or in any deposition taken pursuant to the laws of this state, or of the rules, orders and directions of any court, judge or arbitrator; or if any person, in taking any other oath or affirmation required by any act of the General Assembly of this state, shall be guilty of wilfully and corruptly

Perjury and subornation of perjury;

(No. 381.) making a false oath or affirmation; or if any person shall procure or suborn to make any such false oath or affirmation; every person so offending shall, on conviction, be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than three years, nor longer than ten years, and shall, moreover, be for ever disqualified from being a witness in any matter in controversy.

Any verdict, &c. obtained through perjury, to be set aside.

Under what restrictions it shall be done.

SECT. 2. Any verdict or judgment, rule or order of court, which may have been obtained or entered up, shall be set aside and be of no effect, if it shall appear that the same was obtained or entered up, in consequence of wilful and corrupt perjury; and it shall be the duty of the court in which such verdict, judgment, rule or order may have been obtained or entered up, to cause the same to be set aside upon motion and notice to the adverse party; but it shall not be lawful for the said court to do so, unless the person charged with said perjury shall have been thereof duly convicted, and unless it shall appear to the said court that the said verdict, judgment, rule or order could not have been obtained or entered up, without the evidence of such perjured person, [*and* unless the application to set aside such verdict, judgment, rule or order shall be made within one year after the same shall have been obtained or entered up,*] saving always to third persons innocent of such perjury, the right which they may have lawfully acquired under such verdict, judgment, rule or order, before the same shall have been actually vacated and set aside.

For taking away the life of any one, or procuring a conviction for an offence punishable with death or

SECT. 3. If any person, by wilful and corrupt perjury, shall take away the life of another, or by such wilful and corrupt perjury, convict another of any offence which by this code is punishable with death or perpetual imprisonment, such person shall be punished with death or perpetual imprisonment.

perpetual imprisonment, by perjury, offender how punished.

Bribery, or an attempt to bribe, &c.

SECT. 4. If any person shall directly or indirectly give, or offer to give any money, goods or other bribe, present or reward, or give or make any promise, contract or agreement for the payment, delivery or alienation of any money, goods or other bribe, or use any promises, threats, persuasions or other like sinister, unfair or fraudulent practices, in order to obtain or influence the opinion, judgment, decree or behaviour of any member of the General Assembly, or any officer of this state, judge, juror, justice, referee or arbitrator, in any discussion, debate, action, suit, complaint, indictment, controversy, matter or cause, depending, or which shall depend before him or them; such person shall, on conviction, be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not exceeding five years; and the member of the

How punished.

* So much of this section as is embraced in the brackets is repealed by act of 1818, No. 382, sect. 2.

General Assembly or officer, judge, juror, justice, referee or arbitrator, who shall accept or receive such bribe, shall, on conviction, be punished by imprisonment in the penitentiary, at hard labour, for any period of time not exceeding ten years. (No. 381.)

For accepting such bribe, offender how punished.

SECT. 5. If any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or any other person whatever, shall steal, embezzle, alter, corrupt, withdraw, falsify, or avoid any record, process, charter, gift, grant, conveyance or contract, or shall knowingly and willingly take off, discharge or conceal any issue, forfeited recognisance or other forfeiture, or shall forge, deface or falsify any document or instrument recorded, or any registry, acknowledgement or certificate, or shall alter, deface or falsify any minute, document, book, or any proceeding whatever, of or belonging to any public office within this state; or if any person shall cause or procure any of the offences aforesaid to be committed, or be in anywise concerned therein; the person so offending shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than ten years.

The offence of embezzling, altering, &c. any record, &c. and other offences with regard to documents and papers herein designated;

How punished.

SECT. 6. If any jailor, by too great a duress of imprisonment or other cruel treatment, make or induce a prisoner to become an approver, or accuse and give evidence against some other person, or be guilty of wilful inhumanity or oppression to any prisoner under his care and custody, such jailor shall be punished by removal from office, and imprisonment in the penitentiary, at hard labour or in solitude, for any time not less than one year, nor longer than two years.

Jailors, how punished for compelling a prisoner to become an approver, &c. and for other inhumanity.

SECT. 7. If any officer, after the expiration of the time for which he may have been appointed or elected, shall wilfully and unlawfully withhold or detain from his successor the records, papers, documents, or other writings, appertaining and belonging to his office, or mutilate, destroy, take away, or otherwise prevent the complete possession by his said successor of said records, documents, papers, or other writing, such person so offending shall be sentenced to pay a fine, and to undergo imprisonment in the common jail of the county, as the court may order and direct.

Any officer who shall withhold official records, &c. from his successor, or who shall mutilate, take away or destroy the same, &c. How punished.

SECT. 8. If any person shall acknowledge or procure to be acknowledged, in any of the courts of this state, any recognisance, bail or judgment, in the name of any other person, not privy or consenting thereto, such person, on conviction, shall be imprisoned in the penitentiary, at hard labour or in solitude, for any period of time not exceeding three years.

Fraudulent acknowledgements of any recognisance, &c. in the name of a person not privy thereto; How punished.

SECT. 9. If any person shall knowingly and wilfully obstruct, resist or oppose any sheriff, coroner or other officer of this state, or other person duly authorized, in serving, or attempting to serve or execute any lawful process, or order of any court, judge, justice or

For resisting, &c. any sheriff, &c.

(No. 381.) arbitrator, or any other legal process whatever, or shall assault or beat any sheriff, coroner, constable or other officer, or person duly authorized, in serving or executing any process or order aforesaid, or for having served or executed the same; every person so offending shall, on conviction, be imprisoned in the common jail of the county, for any time not exceeding one year, as the court may order and direct: *Provided*, any officer whatever, that may or shall assault or beat any individual, under colour of his commission, without a lawful necessity to do so, shall, on conviction, be imprisoned in the common jail of the county, for any time not exceeding one year, as the court may order and direct.

Offender how punished. Proviso. Officers unnecessarily assaulting, &c. an individual, under colour of their commissions, how punished.

The rescue of a person in legal custody, on a criminal process, how punished. SECT. 10. If any person shall rescue another, in legal custody on criminal process, such person shall receive the same punishment as the person rescued would, on conviction, be sentenced to receive; and if the person so rescued shall not have been tried, or shall have been acquitted, it shall be lawful to charge the person rescuing as for a misdemeanor; and upon conviction, he shall be imprisoned in the common jail of the county, for any period of time not exceeding one year, as the court shall or may order and direct.

The rescue of a person in custody under a civil process, how punished. SECT. 11. If any person or persons shall rescue another, in legal custody on civil process, such person or persons shall be indicted, and on conviction, shall be sentenced to pay a fine equal to the amount of the debt or demand, for which such process was issued, and the said person or persons shall be imprisoned in the common jail of the county, at the discretion of the court.

For assisting a prisoner in jail to escape, though no escape be made, or for furnishing any disguise, &c. to facilitate an escape, offender, how punished. SECT. 12. If any person shall aid or assist a prisoner, lawfully committed or detained in any jail, for any offence against this state, or who shall be lawfully confined by any civil process, to make his or her escape from jail, although no escape be actually made; or if any person shall convey, or cause to be delivered to such prisoner, any disguise, instrument or arms, proper to facilitate the escape of such prisoner; any such person, although no escape or attempt to escape be actually made, shall, on conviction, be punished by imprisonment at hard labour, in the penitentiary, for any time not exceeding two years.

For aiding any prisoner to escape from a sheriff, &c. offender, how punished. SECT. 13. If any person shall aid or assist any prisoner to attempt to escape from the custody of any sheriff, constable, officer or other person, who shall have the lawful charge of such prisoner, every person so offending shall, on conviction, undergo an imprisonment in the penitentiary, for any time not exceeding five years.

Escapes from the penitentiary, how punished. SECT. 14. If any person, confined in the penitentiary, shall escape therefrom, and be thereafter retaken, such person shall be indicted for an escape, and being thereof con-

victed, shall be imprisoned for a term not exceeding three times the term of his original imprisonment. (No. 381.) Any person who shall aid or assist a prisoner, confined in the penitentiary, to escape, or in an attempt to escape therefrom, being thereof convicted, shall be imprisoned at hard labour in the penitentiary, for a term not exceeding double the time of the imprisonment which the person so escaping, or attempting to escape, was sentenced to undergo.

For aiding a prisoner to escape from the penitentiary, offender, how punished.

SECT. 15. If any sheriff, coroner, keeper of a jail, keeper, other officer or person employed in the penitentiary, having any offender, guilty, or accused of, or confined for any crime, in his custody, shall voluntarily permit or suffer such offender to escape and go at large, every such sheriff, coroner, keeper of a jail, keeper, officer or other person employed in the penitentiary, constable, or other officer or person so offending, shall, on conviction, undergo an imprisonment in the penitentiary at hard labour, or in solitude, for any time not less than five years, nor exceeding seven; and shall, moreover, if a public officer, be dismissed from office.

Sheriffs, coroners, jailors, penitentiary officers, &c. how punished for voluntary escapes.

SECT. 16. If any sheriff, coroner, keeper of a jail or other officer, shall wilfully refuse to receive any offender charged with, or guilty of an indictable offence, or committed as a witness on the part of this state, or having such offender or witness in his custody, shall voluntarily permit or suffer him or her to escape, and go at large, then every such sheriff, coroner, keeper of a jail, constable, or other officer or person so offending, shall, on conviction, undergo an imprisonment in the penitentiary, for a period of time not exceeding seven years.

Any sheriff, &c. who shall refuse to receive offenders, or any witness committed on the part of the state, or suffer them to escape after being in custody, how punished.

SECT. 17. If any person or persons shall buy or receive any goods or chattels, that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, he, she or they shall be taken and deemed an accessory or accessories, after the fact, and shall incur the same punishment as would be incurred and inflicted on the person or persons, convicted of having stolen the said goods or chattels, so bought or received, knowing the same to be stolen.

Purchasers or receivers of stolen goods, knowing them to be such, deemed accessories after the fact. Their punishment.

SECT. 18. If any person shall receive, harbour or conceal any burglars, felons or thieves, knowing them to be so, he, she or they shall be taken as accessory or accessories after the fact, and being convicted, shall be punished by imprisonment in the penitentiary, at hard labour or in solitude, for any time not exceeding three years.

For harbouring, &c. burglars, felons or thieves, offender how punished.

SECT. 19. If the principal thief or thieves cannot be taken, so as to be prosecuted and convicted, it shall and may be lawful to prosecute any person buying or receiving any goods stolen by such principal thief or thieves, knowing the same to be stolen, as for a misdemeanor, although the principal thief or thieves be not before convicted, or

Purchasers and receivers of stolen goods indictable for a misdemeanor, though the

(No. 381.) whether he or they are amenable to justice or not ; and on conviction, every person so buying or receiving stolen goods, knowing them to be stolen, shall undergo an imprisonment in the penitentiary, at hard labour, or in solitude, for any time not exceeding five years ; and this prosecution and punishment shall exempt the offender from being tried and punished as accessory, if such principal thief or thieves shall be afterwards taken and convicted.

principals be
not convicted,
&c.

Their punish-
ment.

For com-
pounding cer-
tain offences
in this section
designated ;

Offender, how
punished.

SECT. 20. If any person shall take money, goods, chattels, lands, or other reward, in promise thereof to compound any treason, exciting or attempting to stir up and excite an insurrection or revolt of slaves, murder, manslaughter, rape, sodomy, arson, forgery, burglary, house-breaking, robbery, larceny, receiving stolen goods or other property, escape, rescue, breach of prison, bribery, perjury or subornation of perjury, or any other offence heretofore denominated felony, or any offence punishable in this code with imprisonment in the penitentiary, at hard labour, or in solitude, for a period of two years or longer ; every person so offending shall, on conviction, be sentenced to undergo an imprisonment in the penitentiary, for any time not exceeding five years.

Any informer
or prosecutor
under a penal
law, who shall
compound
with the of-
fender, or dis-
continue the
prosecution,
how punished.

SECT. 21. If any person informing or prosecuting, under pretence of any penal law, shall compound with the offender, or direct the suit or information to be discontinued, unless it be by leave of the court where the same is brought, every person so offending shall, on conviction, be sentenced to pay a fine equal to so much of the penalty as he or she would be entitled to, if the defendant, or party prosecuted, had been found guilty or convicted.

Conspiracy,
how punished.

SECT. 22. If any two or more persons shall conspire or agree, falsely and maliciously, to charge or indict, or to cause or procure to be charged and indicted, any person, he, she or they so offending shall, on conviction, be sentenced to undergo an imprisonment at hard labour in the penitentiary, for a period of time not exceeding five years.

A common
barrator, how
punished.

SECT. 23. If any person shall be found and adjudged a common barrator, vexing others with unjust and vexatious suits, he shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars : and if the offender belongs to the profession of the law, he shall also be disqualified from practising for the future.

Embracery
defined.
Embracers,
how punished.

SECT. 24. Embracery, is an attempt to influence a jury corruptly to one side, by promises, persuasions, entreaties, money, entertainments and the like. Every embracer who shall procure any juror to take money, gain or profit, or shall corruptly influence a juror, by persuasions, promises, entreaties, or by any other means, shall be punished by imprisonment in the penitentiary not exceeding three years ; and the juror convicted of

taking money, gain or profit, or of corruptly being influenced as aforesaid, shall be sentenced to be imprisoned in the penitentiary, at hard labour, for any time not less than three years, nor exceeding five years, and moreover be for ever disqualified to act as a juror. (No. 381.)
Juror taking money, &c. how punished.

SECT. 25. Any justice of the peace charged with malpractice in office, by using of oppression, tyrannical partiality, or any other conduct unbecoming his character as an upright magistrate, in the administration, and under colour of his office, shall, upon conviction, be sentenced to pay a fine, or to be imprisoned in the common jail of the county, as the court may order and direct; and also be removed from office. Justices of the peace, how punished for malpractice in office, &c.

SECT. 26. If any person shall knowingly send or deliver any letter or writing, threatening to accuse another person of a crime, with intent to extort money, goods, chattels, or other valuable thing, or threatening to maim, wound, kill or murder, or to burn his or her house or other property, though no money, goods, chattels, or other valuable thing be demanded; any such person so offending, shall, on conviction, be sentenced to undergo an imprisonment, at hard labour or in solitude, in the penitentiary, for any time not exceeding two years. Any person sending or delivering any menacing letter, &c. with intent to extort money, &c. How punished.

SECT. 27. Any other offences against the public justice heretofore punishable by indictment in the courts of this state, or which may occur, shall be punished by imprisonment in the common jail of the county, or fine, or both, at the discretion of the court. General clause.

EIGHTH DIVISION.

SECT. 1. If two or more persons assemble for the purpose of disturbing the public peace, or committing any unlawful act, and do not disperse upon being desired or commanded so to do by a judge, justice, sheriff, constable or other public officer, persons so offending shall be guilty of a misdemeanor, and, on conviction, shall be fined or imprisoned in the common jail of the county, as the court may order and direct. Disturbers of the public peace; How punished.

SECT. 2. If any two or more persons, either with or without a common cause of quarrel, do an unlawful act of violence, or any other act in a violent and tumultuous manner, such persons so offending shall be guilty of a riot, and, on conviction, shall be sentenced to pay a fine, or be imprisoned in the common jail, or both, as the court may order and direct; but if the circumstances attending the riot shall be of an atrocious or aggravated nature, the offenders may, at the discretion of the court, be fined and imprisoned in the penitentiary for any time not exceeding two years. Rioters; Their punishment.

(No. 381.) **SECT. 3.** Affrayers are the fighting of two or more persons in some public place, to the terror of the citizens and great disturbance of the public tranquillity. Persons so offending shall be indicted, and, on conviction, shall be fine or imprisoned in the common jail of the county, or both; and it shall be considered as a great aggravation of this offence, if any contempt or disobedience of the magistrate, or other public officer commanding the peace, shall be proven.

Civil and military officers to take an additional oath.

The oath.

SECT. 4. *That from and after the passing of this act all officers, civil and military, that hereafter may be appointed, shall take and subscribe the following oath, in addition to the other oath or oaths already prescribed, before they enter on the duties of their respective appointments, viz: "I, A. B. do solemnly swear, in the presence of Almighty God, that I have not, since the first day of July, eighteen hundred and eighteen, been engaged in a duel, either directly or indirectly, as principal or second, or in any other character whatever, or giving or accepting, carrying or receiving a challenge, or in any other manner whatever been concerned therein, either within or without the limits of this state, since I have first resided within this state."

Any justice, &c. apprised of an intended duel, how punished for not arresting the parties, &c.

SECT. 5. If any justice, or other officer bound to preserve the public peace, shall have knowledge of an intention to fight with any deadly weapon given or received, and not use and exert his official authority to arrest the parties and prevent the duel, such justice or other officer shall, for such neglect of duty, be indicted, and, on conviction, dismissed from office.

Any person publishing another as a coward, &c. for not accepting a challenge or fighting a duel, how punished.

SECT. 6. If any person or persons shall, in any newspaper or hand-bills, written or printed, publish or proclaim any other person or persons as a coward, or use any other opprobrious and abusive language, for not accepting a challenge or fighting a duel, such person or persons so offending shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, as the court may order and direct.

The printer shall be a competent witness against the writer.

Punishable for a contempt if he refuse to give up the writer's name.

SECT. 7. The publisher or printer of any newspaper, hand-bill or other publication shall, in all publications under the last mentioned section, be summoned as a witness, and be accepted by the court as a good witness against the writer or writers of such publication or hand-bill; and if the said printer or printers, when summoned before the court, shall refuse to give up the writer's name or names, the court shall consider him or them as guilty of a flagrant contempt, and proceed to punish him or them in an exemplary manner.

* This section altered by the 3d section of an act of 1818, No. 382. See also the 4th, 5th and 6th sections of the same act, as to the offences of challenging, &c.

SECT. 8. A libel is a malicious defamation, expressed either by printing or writing, (No. 381.) or signs, pictures and the like, tending either to blacken the memory of the one who is dead, or the honesty, virtue, integrity or reputation of one who is alive, and thereby exposing him to public hatred, contempt or ridicule; every person convicted of this offence shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment in the common jail of the county for any time not exceeding one year, as the court may order and direct.

Libel defined.

Punishment.

SECT. 9. In all cases of indictment for a libel the person prosecuted shall be allowed to give the truth in evidence.

The truth may be given in evidence.

SECT. 10. All other offences against the public peace shall be prosecuted and indicted as heretofore; but the punishment, in every case, shall be fine or imprisonment in the common jail of the county, or both, at the discretion of the court.

General clause.

NINTH DIVISION.

Offences against the public morality, health and police.

SECT. 1. If any person shall have two wives or two husbands, at one and the same time, knowing of the living and existence of such wife or husband, he or she shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment at hard labour, in the penitentiary, for any time not exceeding three years, and the second marriage shall be void; but long absence of the wife or husband, and no information of the fate of such husband or wife, shall be cause of acquittal of the person indicted; and in every case the issue of such second marriage, born before the commencement of any prosecution for bigamy, or within the ordinary time of gestation thereafter, shall, notwithstanding the invalidity of such marriage, be considered as legitimate.

For having two wives or two husbands at the same time, offender how punished.

Cause of acquittal.

Issue of the second marriage made legitimate.

SECT. 2. If any man or woman, being unmarried, shall knowingly marry the husband or wife of another person, such man or woman shall, on conviction, be sentenced to undergo an imprisonment at hard labour, in the penitentiary, for any time not exceeding three years.

A single person knowingly marrying the wife or husband of another, how punished.

SECT. 3. If any person shall commit incestuous fornication or adultery, or intermarry within the degrees of consanguinity or affinity established by law, he or she shall, on conviction, be sentenced to undergo an imprisonment in the penitentiary, for a period of time not exceeding two years.

Incest, how punished.

(No. 381.) **SECT. 4.** Any man and woman who shall live together in an open state of adultery, fornication, or adultery and fornication, which will be sufficiently established by any circumstances which raise the presumption of cohabitation and unlawful intimacy, or who shall otherwise commit adultery, fornication, or adultery and fornication, shall be severally indicted, and on conviction, such man and woman shall be severally sentenced to pay a fine not exceeding five hundred dollars; and on conviction a second time, a fine of one thousand dollars; and for every repetition of the offence, a fine in the same proportion; and moreover may be imprisoned in the common jail. But it shall, at any time, be in the power of the parties to prevent or suspend the prosecution by marriage, if such marriage can be legally solemnized.

Prosecution may at any time be superseded by marriage of the parties.

SECT. 5. If any person shall be guilty of open lewdness, or any notorious act of public indecency, tending to debauch the morals, or keeping open tippling-houses on the Sabbath day or Sabbath night, he or she shall be indicted, and on conviction, shall be fined and imprisoned, at the discretion of the court.

Open lewdness, &c. and keeping open tippling-houses on the Sabbath day or night, how punished.

SECT. 6. If any person shall, for his or her emolument or livelihood, maintain and keep a lewd house, or place for the practice of fornication, either by themselves or others, he or she shall, on conviction, be sentenced to pay a fine, or be imprisoned, at the discretion of the court.

Keepers of lewd houses, how punished.

SECT. 7. If any person shall keep and maintain a common, ill governed and disorderly house, to the encouragement of idleness, gaming, drinking, or other misbehaviour, to the common disturbance of the neighbourhood or orderly citizens, he or she shall, on conviction, be sentenced to pay a fine, or be imprisoned, at the discretion of the court.

Keepers of disorderly houses, how punished.

SECT. 8. If any person shall, by himself, servant or other agent, for his gain or living, keep, have, exercise or maintain a common gaming-house, table or room, or in any house or place occupied by him, procure or permit any persons to frequent, or come together to play for money or any other valuable thing, at any game, he or she, on conviction, shall be sentenced to pay a fine, or be imprisoned at the discretion of the court.

Keepers of gaming-houses, tables or rooms, how punished.

SECT. 9. Any person or persons, who may be found playing and betting, or playing or betting at any game, with cards, dice, checks, or at billiards, or any other instrument, article or articles, thing or things whatsoever, heretofore used, or which may hereafter be used, for the purpose of betting upon, or winning or losing money, or any other thing or things, article or articles of value, or any property, or any other article or articles, thing or things of value, may be indicted; and on conviction thereof, shall be fined in a sum, not less than fifty, nor more than five hundred dollars, one half to the benefit of the informer, and the other half for the use of the county where the offence may

Gambling.

How punished.

have been committed: *Provided*, that this act shall not be construed to extend to horse-racing, shooting with guns of any description used against an enemy, wrestling, jumping, foot-racing, five playing, pitching with quoits or dollars, or any other peaceable and civil athletic exercise of man or men, not herein particularly enumerated. (No. 381.)
Proviso.

SECT. 10. That it shall be the duty of the judges of the Superior Courts of this state, at the opening or commencement of every court, to give in charge to the grand juries respectively, the substance and intention of the legislature, as contained in the several sections in this code, relative to gambling. Judges to give in charge to grand juries the sections of this code relative to gambling.

SECT. 11. That it shall be lawful for any lawful officer, with legal authority, to break open suspected rooms or houses, where it is commonly known that gaming is carried on, and to take any persons found gaming, and to bind them over to the next Superior Court, to be held in and for the county where such offences may be committed. Gaming rooms or houses may be broken open, and those found gaming therein, bound over to the next court.

SECT. 12. All nuisances not here mentioned; which tend to annoy the community, or injure the health of the citizens in general, or to corrupt the public morals, shall be indictable and punishable, by fines or imprisonment, at the discretion of the court. And any nuisance which tends to the immediate annoyance of the citizens in general, is manifestly injurious to the public health and safety, or tends greatly to corrupt the manners and morals of the people, may be removed or suppressed by the order of any two or more justices of the peace of the county, founded upon the opinion and verdict of twelve freeholders of the same, who shall be summoned, sworn and empowered for that purpose; which order shall be directed to, and executed by the sheriff of the county or his deputy: and if the nuisance exist in a town or city, under the government of a mayor, intendant, aldermen, wardens, or a common council, such nuisance, by and with the advice of said aldermen, wardens or council, may be removed or suppressed, by order of said mayor or intendant; which order shall be directed to, and executed by the sheriff or marshal of said town or city, or his deputy; and reasonable notice shall, in every case, be given to the parties interested, of the time and place of meeting of such justices and freeholders, or of such mayor, intendant and aldermen, wardens or council. Other nuisances, how punished. Suppression of nuisances regulated. Notice to parties interested.

SECT. 13. Any butcher or other person, selling the flesh of a diseased animal, or other unwholesome provisions, shall be indicted, and on conviction, for the first offence, be sentenced to pay a fine at the discretion of the court; and for the second offence, shall be fined and imprisoned at the discretion of the court. For selling the flesh of a diseased animal, &c. offender, how punished.

SECT. 14. Any baker, brewer, distiller, merchant, grocer or other person, selling unwholesome bread, drink, or pernicious and adulterated liquors, knowing them to be so, shall be indicted, and on conviction, shall be fined at the discretion of the court; and Selling unwholesome bread, drink, &c. how punished.

(No. 381.) on conviction for the second offence, such baker, brewer, distiller, merchant or grocer, shall be sentenced to pay a fine, and be imprisoned at the discretion of the court.

Offences with regard to the small-pox.

SECT. 15. Any physician, surgeon or other person, wilfully endeavouring to spread the small-pox without inoculation, or by inoculation with matter of the small-pox, or using any other inoculation than that called vaccination, unless by special permission from the Inferior Court of the county where the small-pox shall make its appearance, shall be indicted, and on conviction, fined in a sum not exceeding one thousand dollars, and moreover, be imprisoned at the discretion of the court.

Persons coming into this state from infected countries, and in violation of quarantine regulations, how punished.

SECT. 16. Any person coming into this state by land or water, from any place infected with a contagious disease, and in violation of quarantine regulations, shall be indicted in any county in this state in which he may be found, and on conviction, sentenced to pay a fine not exceeding five hundred dollars, and also be imprisoned at the discretion of the court.

Vagrants.

SECT. 17. Any person wandering or strolling about, able to work, or otherwise to support himself in a reputable way, or leading an idle, immoral, profligate course of life, shall be arrested by a warrant, issued by any justice of the peace, mayor or alderman, and bound in sufficient security for his good behaviour and future industry, for one year; and upon his refusal or failure to give such security, he shall be committed, and indicted as a vagrant, and on conviction shall be imprisoned in the penitentiary, at the discretion of the court.

Their punishment.

Rogues and vagabonds, who shall be deemed such.

SECT. 18. If any person shall be apprehended, having upon him or her any pick-lock, key, crow, bit, or other implement, with intent feloniously to break and enter into any dwelling-house, warehouse, store, shop, coach-house, stable or out-house, or shall have upon him any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person, or shall be found in or upon any dwelling-house, warehouse, store, shop, coach-house, stable or out-house, with intent to steal any goods or chattels, every such person shall be deemed a rogue and vagabond, and on conviction, shall be sentenced to undergo an imprisonment in the common jail of the county, or in the penitentiary, at hard labour.

Their punishment.

General clause.

SECT. 19. All other offences against the public morals, health, police or economy, shall be punished by fine or imprisonment in the common jail of the county, or in the penitentiary.

(No. 381.)

TENTH DIVISION.

Offences committed by cheats and swindlers, and offences against public trade.

SECT. 1. If any person, by false representations of his own respectability, wealth, or mercantile correspondence and connections, shall obtain a credit, and thereby defraud any person or persons of money, goods, chattels, or any valuable thing, or if any person shall cause or procure others to report falsely of his honesty, respectability, wealth or mercantile character, and by thus imposing on the credulity of any person or persons, obtain a credit, and thereby fraudulently get into possession of goods, wares, merchandise, or any valuable thing, shall be deemed a cheat and swindler, and on conviction, shall be sentenced to restore the property so fraudulently obtained, if it can be done, and also to pay a fine at the discretion of the court.

Cheats and swindlers.

How punished.

SECT. 2. Any person using any deceitful means, other than those which have been mentioned in this code, or practices in matters of fraud, shall be deemed a cheat and swindler, and on conviction, shall be sentenced to make such restitution to the party defrauded and cheated, and imprisoned at the discretion of the court.

General clause as to cheating and swindling.

SECT. 3. If any person or persons shall, by any fraud or shift, circumvention, deceit or unlawful trick or device, or ill practice whatever, in playing at cards, dice, or any game or games, or in or by bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play, obtain or acquire to him or themselves, or to any other or others, any money or other valuable thing or things whatever, such person or persons so offending shall be indicted, and on conviction, shall be deemed a cheat, and sentenced to pay a fine of five times the value of the money or other thing or things so won as aforesaid, and also be imprisoned in the common jail of the county, at the discretion of the court.

Cheating at cards, dice, &c.

Punishment.

SECT. 4. Any baker or other person, selling bread under the assize established by the corporation of any town, city, or the regulations of any village, or the rules laid down by any law, shall be deemed a cheat, and on conviction, shall pay a fine, or be imprisoned, at the discretion of the court.

Any baker, &c. selling bread under a legally established assize, how punished.

SECT. 5. If any person shall sell by false weights or measures, he or she shall be deemed a common cheat, and on conviction, shall be sentenced to pay a fine, and be imprisoned at the discretion of the court.

Selling by false weights and measures.

(No. 381.) **SECT. 6.** Any other deceitful or artful practice, by which individuals or the public are defrauded and cheated, shall be punished by fine or imprisonment, or both, at the discretion of the court.

SECT. 7. The offences of forestalling, regrating and engrossing, are hereby abolished.

SECT. 8. If any person or persons shall, maliciously or without authority, cut down, remove or destroy any beacon or beacons, buoy or buoys, erected by any commissioner of pilotage, or other person or persons duly authorized for that purpose, shall be punished, on conviction, by confinement in the penitentiary, for any time not less than three years, nor more than five years.

SECT. 9. If any person shall fraudulently counterfeit, or be concerned in fraudulently counterfeiting any brand or mark directed by law, or shall fraudulently cause or procure the same to be done, or shall use, export, sell, exchange, barter or expose to sale, any bale, cask, barrel, hogshead, or vessel of any kind, or any other thing upon which a brand or mark is directed to be made by law, with such counterfeit brand or mark, knowing the same to be false and counterfeit; the person so offending, his aiders, counsellors and abettors, shall, on conviction, be sentenced to pay a fine not exceeding two hundred dollars, and also undergo an imprisonment in the common jail of the county, at the discretion of the court.

SECT. 10. Any person who shall put into any bale or bales of cotton, hogshead or hogsheads, barrel or barrels, sugar cask, or casks of sugar or of rice, hogshead or hogsheads, barrel or barrels, cask or casks, containing pork, beef or other provisions, any dirt, rubbish or other thing, for the purpose of adding to, and increasing the weight or bulk of said cotton, sugar, rice, beef, pork, or other provisions or things; every person guilty of this fraudulent practice shall be deemed a common cheat, and being indicted and convicted, shall be sentenced to pay a fine equal to the full value of said cotton, sugar, rice, pork, beef or other provisions, and also to undergo an imprisonment in the penitentiary at hard labour, for any time not exceeding five years.

SECT. 11. All other offences committed by cheating and deceit, or offences against the public trade, not herein enumerated, but which may occur, or have heretofore been indictable, shall be punished by fines, at the discretion of the court, and imprisonment in the common jail of the county.

(No. 381.)

ELEVENTH DIVISION.

Fraudulent or malicious mischief.

SECT. 1. Any person or persons, who shall wilfully and maliciously set fire to or burn any stack or stacks of corn, grain, straw or hay, shall, on conviction, be sentenced to pay a fine, equal to twice the value of the stack or stacks so set fire to or burnt, and to undergo an imprisonment in the penitentiary, at hard labour, for any time not exceeding three years.

Setting fire to or burning any stack of corn, &c. how punished.

2. If any person shall wilfully and maliciously set on fire, or cause to be set on fire, any woods, lands or marshes within this state, so as thereby to occasion loss, damage or injury to any other person, he or she shall, on conviction, be sentenced to be imprisoned in the common jail of the county, or in the penitentiary.

Maliciously setting on fire woods, &c. to the injury of another, how punished.

SECT. 3. If any person shall wilfully and maliciously set fire to any fence or fences, inclosure or inclosures, or cause and procure the same to be done, he or she, on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars, and be imprisoned at the discretion of the court.

Setting fire to fences, &c.

How punished.

SECT. 4. If any person shall unlawfully and maliciously break down, open, cut through, injure or destroy any bridge, river or meadow bank, rice-dam, mill-dam, or other dams or banks, every such person so offending shall, on conviction, be sentenced to pay a fine, or be imprisoned, at the discretion of the court.

Injuring or destroying any bridge, mill-dam, &c. how punished.

SECT. 5. If any person shall maliciously maim or kill any horse, bull, steer, ox, cow, calf, heifer, or any animal or animals falling under the description, as before given, of horses or cattle, or shall maliciously kill a hog or hogs, any such person so offending shall, on conviction, be sentenced to pay a fine, or be imprisoned, at the discretion of the court.

Maliciously maiming or killing any cattle, horse or hog, how punished.

SECT. 6. If any person shall maliciously injure or destroy any turnpike gate or gates, or any post or posts, rail or rails, wall or walls, or any chain, bar or other fence, belonging to any turnpike gate, or any house or houses to be erected for the use of any such turnpike gate or gates, or shall wilfully and maliciously injure and destroy locks or other works, erected to protect and secure the navigation of rivers; every such person so offending shall, on conviction, be sentenced to undergo an imprisonment in the penitentiary, at hard labour, for any time not exceeding three years.

Injuring or destroying any turnpike gate, &c.

Or works erected for the navigation of rivers, How punished.

(No. 381.) **SECT. 7.** If any person shall wilfully and maliciously burn or set fire to any ship, boat or other vessel, above the value of two hundred dollars, along side of any wharf, or at anchor in any river of this state, or within any of its waters; or if any person shall wilfully and maliciously make, or be assisting in the making, any hole in the bottom, side, or any other part of any ship, boat or vessel, above the value aforesaid, or do any other act tending to the loss or destruction of such ship, boat or vessel, at anchor or lying as aforesaid; every person so offending shall, on conviction, be sentenced to pay a fine, not exceeding one thousand dollars, and undergo an imprisonment in the penitentiary, at hard labour, for any period of time not exceeding ten years.

SECT. 8. All other acts of malicious and fraudulent mischief, not here enumerated, but standing upon the same footing of reason and justice, or which are indictable offences by the laws in force in this state, shall be punished by a fine, or imprisonment in the common jail of the county.

ACCESSORIES.

SECT. 9. Accessories, or persons aiding, advising or assisting in and to the perpetration of offences, where the punishments are not provided for in this code, shall be punished in the following manner: Accessories before the fact, aiders, abettors or advisers, shall receive the same punishment as is directed to be inflicted on the principals.

SECT. 10. Accessories after the fact, shall be punished by fine or imprisonment, in the common jail of the county, or both, at the discretion of the court.

INDICTMENTS.

SECT. 11. Every indictment or accusation of the grand jury shall be deemed sufficiently technical and correct, which states the offence in the terms and language of this code, or so plainly, that the nature of the offence charged may be easily understood by the jury.

The form of every indictment or accusation shall be as follows:

Form of an indictment. **GEORGIA,** } The grand jurors sworn, chosen, and selected for the county
County, } of to wit: in the name and behalf of the citizens of
Georgia, charge and accuse A. B. of with the offence of
for that the said A. B. (*here state the offence, the time and place of committing the same, with sufficient certainty,*) contrary to the laws of said state, the good order, peace and dignity thereof.

If there should be more than one count, each additional count shall commence with the following form: "And the jurors aforesaid, in the name and behalf of the citizens of Georgia, further accuse and charge A. B. with having committed, (*here state the offence as before directed,*) for that, &c." (No. 381.) Commencement of each additional count.

SECT. 12. All exceptions which go merely to the form of an indictment, shall be made before trial, and no motion in arrest of judgment shall be sustained for any matter not affecting the real merits of the offence charged in such indictment. Formal exception. Motion in arrest of judgment.

SECT. 13. Upon every indictment the prosecutor's name shall be endorsed, who, upon the acquittal or discharge of the person accused, shall be compelled to pay all costs which have accrued, if the grand jury, by their foreman, upon returning "No bill," express it as their opinion that the prosecution was unfounded or malicious; or if the petit jury, upon returning a verdict of "Not guilty," shall express a similar opinion. A person against whom a bill of indictment shall be preferred, and not found by the grand jury, or who shall be acquitted by the petit jury of the offence charged against him, shall not be liable to the payment of the costs; and in all such cases, as well as where persons liable by law for the payment of costs shall be unable to pay the same, it shall and may be lawful for the officers severally entitled to such costs, to present an account therefor to the judge of the court in which the said prosecutions were depending; which account being examined and allowed him, it shall and may be lawful for the said judge, by an order of said court, to authorize and direct the sheriff to retain for his own use, and to pay to the attorney or solicitor general, and other officers of the court, the amount of their respective accounts, out of any monies by him received for fines inflicted by the said court since the passing of this act. The name of the prosecutor to be endorsed on the indictment. When he shall pay costs. Payment of costs in certain cases provided for.

SECT. 14. It shall be the duty of the attorney or solicitor general to prosecute on all presentments of grand juries, where such presentment or presentments is or are for offences indictable by law; and the endorsement on the indictment by the attorney or solicitor general, that the same is founded on the presentment of a grand jury, shall be sufficient without any prosecutor's name appearing on the indictment. Prosecutions on presentments of grand juries authorized.

ARRAIGNMENT, TRIAL AND VERDICT.

SECT. 15. No person indicted, unless it be for a felony, or for an offence which may subject him, on conviction, to imprisonment in the penitentiary for the term of three years, shall be put for his arraignment in the bar-dock, or place set apart in a court-room for the arraignment of criminals. Who shall be exempt from arraignment in the bar-dock.

(No. 381.) **SECT. 16.** Every person charged with a felony, or any offence which may subject him, on conviction, to an imprisonment in the penitentiary for the term of three years, shall be furnished, previous to his arraignment, with a copy of the indictment and a list of the witnesses who gave testimony before the grand jury.

A copy of the indictment and a list of the witnesses examined before the grand jury, to be furnished for any one charged with a felony, or an offence punishable with three years penitentiary imprisonment.

SECT. 17. Every person charged with an offence shall, at his or her request, or the request of his or her counsel, be furnished with a copy of the indictment and the aforesaid list of witnesses.

Said copy and list to be given to any one charged with an offence, upon request.

SECT. 18. Upon the arraignment of a prisoner, it shall be sufficient, without complying with any other form, to declare orally by himself or herself, or his or her counsel, that he or she is not guilty; which declaration or plea shall be immediately put upon the minutes of the court by the clerk, and the mention of the arraignment, and such declaration or plea, shall constitute the issue between the prisoner and the people of this state: and if the clerk should neglect to insert in the minutes the said arraignment and plea, it may and shall be done at any time, by order of the court, and then the error or mistake of the clerk shall be cured.

Plea of "Not guilty," how put in.

SECT. 19. If the prisoner pleads guilty, or is mute, on accusation of felony, the court shall notwithstanding direct the declaration of not guilty to be put upon the minutes, and the trial shall proceed in the same manner it would have done if the prisoner, or his or her counsel, had plead "Not guilty."

When a prisoner pleads guilty or stands mute, on a charge of felony, what to be done.

SECT. 20. The plea of "Not guilty," recorded on the indictment for any offence which does not require the formality of an arraignment, shall be deemed sufficient to constitute the issue between the prisoner and the people of this state; and if the attorney or solicitor general, or other person prosecuting in behalf of this state, shall neglect to have said plea recorded, it may at any time, during or after the trial, be ordered to be done by the court; and such order shall cure the error or defect.

The plea of "Not guilty" recorded on an indictment, where arraignment is not required, shall be a sufficient issue, &c.

SECT. 21. No prisoner shall be brought into court for arraignment or trial, tied, bound or fettered, unless the court shall deem it necessary, during his or her arraignment or trial; and if the health of the prisoner, or other circumstances, may appear to render it more convenient to the prisoner and his counsel, that he or she should not be placed for his or her arraignment, or during his or her trial, within the bar-dock, or other place assigned in the court-room for criminals, the court may grant the indulgence of removing the prisoner to any other place in said court-room, or contiguous to it, requested by the prisoner, or his or her counsel.

No prisoner to be brought into court, tied, &c.
Under what circumstances a prisoner may be removed from the bar-dock.

SECT. 22. Every person indicted for a felony, or a crime which may subject him or her, on conviction, to death or five years imprisonment, or longer, in the penitentiary, may peremptorily challenge twenty of the jurors empannelled to try him or her; and all other offences punishable with hard labour, the person indicted shall be allowed twelve peremptory challenges. (No. 381.)
Peremptory challenges.

SECT. 23. On every trial for an offence contained in this code, or for any offence, the jury shall be judges of the law and the fact, and shall in every case give a general verdict of "Guilty" or "Not guilty;" and on the acquittal of any offender, no new trial shall, on any account, be granted by the court.
Jury, judges of the law and fact.
Verdict.
No new trial after acquittal.

SECT. 24. Every person against whom a bill of indictment is found, shall be tried at the term of the court the indictment is found, unless the absence of a material witness or witnesses, or the principles of justice, should require a postponement of the trial; and then the court shall allow a traverse or postponement of the trial, until the next term of the court; and any person, indicted for an offence not affecting his or her life, and demanding a trial, which demand shall be placed upon the minutes of the court, shall be discharged, upon his or her giving bail to appear at the next court; and if not tried at said court, shall be absolutely discharged and acquitted of the offence contained in the indictment: *Provided*, that at both terms, juries were empannelled, and able to try such offender; and every person against whom a bill of indictment has been found, who appears and demands his or her trial, at the first term after such bill shall have been found, and the officer prosecuting in behalf of the people cannot assign some legal or satisfactory reasons for wishing a postponement of the trial, such as the absence of a material witness or witnesses, and a well grounded expectation of being able to proceed on said trial at the next term, then the person so indicted, and demanding his or her trial, shall be absolutely discharged and acquitted of the offence contained and charged in the indictment; and in no case shall a *nole prosequi* be entered on any bill of indictment, after the case has been submitted to the jury.
Any person indicted for an offence not affecting life, and demanding a trial, shall be bailed, and if not tried at the next court, discharged.
Proviso.
Any one demanding a trial at the first term after the bill of indictment has been found, shall be discharged, if the prosecuting officer can assign no good reason for a inadmissible.

postponement of the trial. *Nole prosequi*, when

SECT. 25. Where a person shall be indicted and convicted on more than one indictment, and the sentences are imprisonment in the penitentiary, such sentences shall be severally executed after the expiration of each other; but with as great a mitigation, and with as much leniency as the nature of the offences and the principles of justice shall require.

When a prisoner is convicted on more than one indictment, and the sentences are penitentiary imprisonment, how said sentences shall be executed.

FINES.

SECT. 26. All fines imposed by this act, shall be paid over by the clerks of the Superior to the clerks of the Inferior Courts of the respective counties, for county purposes, ex-

Fines, how disposed of

(No. 381.) Fines in Chatham county. Duty of the clerks of the Inferior Courts with regard to fines. Fines, when payable.

cept the county of Chatham, where the said fines shall be paid over to the corporation of the city of Savannah; and the clerks of the Inferior Courts shall keep a fair account of the fines so received, and the time when received, and the names of the persons from whom the said fines were collected.

SECT. 27. Every fine imposed by this code, or left at the discretion of the court, shall be immediately paid, or within such reasonable time as the court may grant.

BENEFIT OF CLERGY, AND THE PUNISHMENT OF DEATH.

"Benefit of clergy" abolished.

Operation of the term "death."

SECT. 28. The benefit of clergy, as heretofore claimed under the criminal laws of this state, or any legal exception in consequence of the omission of the words "benefit of clergy," are hereby abolished and declared a ridiculous and unmeaning privilege and form. The term "death," in this, or any future penal system, shall be sufficient to justify the infliction of that punishment.

Sentence of death, executed by hanging.

SECT. 29. The sentence of death shall be executed by publicly hanging the offender by the neck until he or she is dead.

OATH OF WITNESSES AND JURORS, AND COMPETENCY OF WITNESSES.

Oaths of witnesses and jurors.

SECT. 30. In all criminal cases, the same oaths shall be administered to the jurors and witnesses, as heretofore administered in this state, previous to the year eighteen hundred and seventeen.

The injured party shall be a competent witness on the trial of the offender.

SECT. 31. In every case in this code, the person or persons whose property hath or have been stolen, injured, destroyed, taken away, or fraudulently converted or conveyed, or who hath or have received such personal injury, shall be a competent witness or witnesses, on the trial of the offender or offenders.

OFFENCES RELATIVE TO SLAVES.

Introduction of slaves into this state prohibited.

Offenders, how punished.

SECT. 32. From and after the passing of this act, it shall not be lawful, except in the cases herein authorized and allowed, for any person or persons whatsoever, to bring, import or introduce into this state, to aid or assist, or knowingly to become concerned or interested in bringing, importing or introducing into this state, either by land or by water, or in any manner whatsoever, any slave or slaves; and each and every person or persons so offending, shall be deemed principals in law, and guilty of a high misdemeanor, and may be arrested and tried in any county in this state, in which he, she or they may

be found; and on conviction, shall be sentenced to pay a fine of five hundred dollars (No. 381.) each, for each and every slave so brought, imported or introduced, and to undergo an imprisonment in the penitentiary, at hard labour, for any period of time not less than one year, nor longer than three years: *Provided always*, that this act shall not extend to any citizen of this state, residing or domiciliated therein, nor to any citizen of any other state, coming into this state with intent to settle and reside, and who shall, on so coming in, actually settle and reside therein, who shall bring, import or introduce into this state any slave or slaves, for the sole purpose of being held to service or labour by the person or persons so bringing, importing or introducing such slave or slaves, his heirs, executors or administrators, and without intent to sell, transfer, barter, lend, hire, mortgage, procure to be taken or sold, under execution or other legal process, or in any other way or manner to alien or dispose of such slave or slaves, so as to vest the use and enjoyment of the labour or service of such slave or slaves, in any other person or persons than the person or persons so bringing, importing or introducing such slave or slaves, or in his or her heirs, executors, administrators or legatees, whether such sale, transfer, barter, loan, hiring, mortgage, procurement of levy or sale, under execution or other legal process, or alienation, or disposition of such slave or slaves, shall be for the life or lives of such slave or slaves, or for any other period of time: *And provided* further, that any person or persons, hereby authorized to bring, import or introduce any slave or slaves into this state, shall, before such slave or slaves is or are actually so brought, imported or introduced therein, go before the clerk of the Superior Court of some county in this state, and make and subscribe an affidavit in writing, which shall be lodged with such clerk, stating that he or she is about to bring, import and introduce into this state a slave or slaves, in terms of this act, particularly describing such slave or slaves, by their names, age and qualifications; that he or she is the true and lawful owner of such slave or slaves; that the said slave or slaves is or are about to be brought, imported or introduced into this state, for the sole purpose of being held to service and labour by him or her, his or her heirs, executors, administrators or legatees, and without any intent to sell, transfer, barter, lend, hire, mortgage, procure to be taken or sold under execution, or other legal process, or in any way or manner to alien or dispose of said slave or slaves, so as to vest the use or enjoyment of the labour or service of such slave or slaves in any other person or persons, either for the life or lives of said slave or slaves, or for any other period of time, or in any way or manner to defeat, avoid or elude the true intent and meaning of this act; and a similar oath, stating the actual importation of such slave or slaves, shall be made by such person, before the clerk of the Superior Court of the county where such person resides or intends to settle and reside, of which a certificate shall, in each case, be granted by such clerk; And it is hereby further provided, that no person whatever shall be exempted from the penalties of this act, who shall fail or neglect to comply with the requisites of the foregoing section, or making and subscribing the said affidavits, in manner and form as is therein specified and set forth; and in all cases

Proviso.
Who shall be exempt from the penalties of this act.

Proviso.

What acts shall be necessary to be performed by persons, authorized by the foregoing provision to introduce slaves.

Proviso.

(No. 381.) of prosecution under this act, it shall be sufficient in the indictment to allege, that the slave or slaves was or were brought, imported or introduced into this state, contrary to the true intent and meaning of this act; and any person or persons claiming an exemption from the penalties thereof, shall plead specially such his defence, and shall be held to due proof thereof; and the jury shall be specially charged to inquire into the intent of such person or persons, which intent may be inferred from the circumstances of the case: but any sale, transfer, barter, loan, hiring, mortgage, procurement of levy or sale under execution or other legal process, or other alienation or disposition of such slave or slaves, for the life or lives of such slave or slaves, or for any other period of time, or any offer to sell, transfer, barter, lend, hire, mortgage, procure to be levied or sold, under execution or other legal process, or in any way or manner to alien or dispose of such slave or slaves, for the life or lives of such slave or slaves, or for any other period of time, so as to vest the use or enjoyment of the labour or service of such slave or slaves, for the life or lives of such slave or slaves, or for any other period of time, in any other person or persons than the person or persons so importing or introducing such slave or slaves into this state, his or her heirs, executors, administrators or legatees, contrary to the true intent and meaning of this act, if made within one year after such slave or slaves shall have been brought, imported or introduced into this state, shall be conclusive evidence of such unlawful intent, in violation of this act: *And provided further*, that this act shall not extend to prevent any person travelling into this state, from bringing therein any such slave or slaves as may be needful for his comfortable and usual attendance upon his journey; nor to any person or persons bringing into this state any slave or slaves found on board any ship or vessel which may be taken as a prize of war, or seized for an infraction of any law of the United States, and brought into this state in such ship or vessel at the time of such capture or seizure; but it shall not be lawful to sell, or in any manner, contrary to this act, to dispose of said slave or slaves within this state; and such sale or other disposition of such slave or slaves, in any way or manner forbidden by this act, or offer so to sell or dispose of the same, shall be conclusive evidence of an intent to bring such slave or slaves into this state contrary to the meaning of this act, and shall subject the party so offending to the fine and imprisonment herein before specified and set forth; and the same obligation shall be imposed upon any person or persons claiming an exemption under this section from the penalties of this act. The same rules shall obtain as to the pleadings and evidence, and the jury shall exercise the same power of judging of the fairness of the intent, as is given and are provided in the preceding part of this section. And if any person or persons whatsoever shall, at any time from and after the first day of February next, purchase, hire, receive or get into his or her possession, any slave or slaves, knowing the said slave or slaves to have been imported or introduced into this state illegally and contrary to the true meaning and intent of this act, each and every person or persons so offending shall be deemed principals in law, and guilty of a high misdemeanor; and,

Indictments under this act, when sufficient.

Exemption to be plead specially, &c.

What shall be conclusive evidence on the trial of an offender.

Proviso as to slave servants of travellers, and slaves found on board any vessel taken as a prize of war, or seized under any law of the U. States.

Persons purchasing, hiring, &c. slaves, knowing them to have been illegally introduced, subject to the fine before specified, &c.

on conviction thereof, shall be subject to the same fine as herein before specified and set forth against persons bringing, importing or introducing, any slave or slaves into this state contrary to the provisions of this act; and it shall be the duty of all and every civil and militia officer in this state to aid and assist in carrying this law into effect; and this act shall not be construed to extend to prevent any person or persons from giving, hiring or loaning any negro or negroes to their legal child or children, for one year or more, and who shall retain him, her or them one year from the time of receiving him, her or them, or shall be subject to the penalties of the aforesaid act.

(No. 381.)
Duty of officers with regard to this act.

Parents not prevented from giving, lending, &c. any negro to their children

for one or more years, &c.

SECT. 33. *And be it further enacted*, That it shall be the duty of every clerk of the Superior Court, before whom any oath required to be taken by this act shall be made, to keep a bound book, in which shall be recorded the affidavits required to be made, and the certificates necessary to be given, agreeable to the provisions of this act, previous to the introduction of any slave or slaves into this state; and also to record in said book all other instruments of writing or statements which may be necessary to be given by him; or may be necessary to be made by him, for carrying the intentions and provisions of this act into effect; and every such clerk shall receive, as a compensation for the services rendered, necessary to be performed by him, by virtue of this act, the sum of two dollars, to be paid by the person for whose interest such services may be performed.

Duty of the clerks of the Superior Courts touching this act.

Their compensation.

SECT. 34. If any person shall conceal, harbour, hide, or cause to be concealed, harboured or hidden, any slave or slaves, to the injury of the owner or owners thereof, such persons so offending shall, on conviction, be sentenced to be imprisoned in the penitentiary, at hard labour, for any period of time not exceeding two years. *Provided nevertheless*, that on the trial for this offence the person charged with it shall be acquitted, if he or she had an apparent well founded claim to the slave or slaves so harboured and concealed; and on every conviction for concealing or harbouring a slave or slaves, the owner or owners of such slave or slaves may recover damages by a civil suit, for the loss of the labour and services of such slave or slaves, notwithstanding the said conviction.

The offence of harbouring any slave; How punished. Proviso.

SECT. 35. If any person shall remove or carry, or cause to be removed and carried away out of this state, any slave or slaves, or out of the county where such slave or slaves may be, without the consent of the owner or owners of said slave or slaves, any person so offending shall, on conviction, be sentenced to undergo an imprisonment in the penitentiary, at hard labour, for any period of time not exceeding seven years.

For carrying, &c. any slave out of this state, or out of any county, without the consent of the owner; Offender how punished.

(No. 381.) **SECT. 36.** Any person, except the owner, beating, whipping or wounding a slave, or person or persons beating, whipping or wounding a free person of colour, without sufficient cause or provocation being first given by such slave or free person of colour, may be indicted, and on conviction, shall be fined or imprisoned, or both, at the discretion of the court; and the owner of such slave, or the guardian of such free person of colour, may, notwithstanding such conviction, recover, in a civil suit, damages for the injury done to such slave or free person of colour.

Any person (except the owner) beating, &c. a slave, or any person beating, &c. a free person of colour, without sufficient provocation, how punished.

SECT. 37. Any owner or owners of a slave or slaves, who shall cruelly treat such slave or slaves, by unnecessary and excessive whippings, by withholding proper food and sustenance, by requiring greater labour from such slave or slaves than he, she or they are able to perform, by not affording proper clothing, whereby the health of such slave or slaves may be injured and impaired; every such owner or owners shall, upon sufficient information being laid before the grand jury, be by said grand jury presented, whereupon it shall be the duty of the attorney or solicitor general, to prosecute said owner or owners; who, on conviction, shall be sentenced to pay a fine, or be imprisoned, or both, at the discretion of the court.

Cruelty to slaves by owners ;
How punished.

CONSTRUCTION OF THIS CODE, AND DUTY OF THE JUDGES OF THE SUPERIOR COURTS.

Construction of this code.

SECT. 38. Every section of this code, and all its terms and expressions, shall receive a liberal construction, according to the true intent and meaning, and which may be best calculated to carry it into effect.

Judges to make an annual report to the Governor on this code.

SECT. 39. It shall and it is hereby declared to be the duty of the judges of the Superior Courts, to make a special report annually to the Governor of this state, previous to the meeting of the General Assembly, and by him to be submitted to the legislature, of all such defects, omissions or imperfections in this code, as experience on their several circuits may suggest.

CONVICTIONS FOR A SECOND OFFENCE.

Offenders, how punished on a second conviction for a like offence, &c.

SECT. 40. Any person convicted of an offence, which by this code has subjected him to an imprisonment in the penitentiary for a period of five years, or not exceeding seven, shall, upon a conviction a second time for the same offence, be sentenced to undergo an imprisonment at hard labour, in the penitentiary, for the period of ten years.

SECT. 41. Any person convicted of an offence different from that of which he or she (No. 381.) has been before convicted, and has been sentenced to, or suffered an imprisonment in the penitentiary, on such first conviction, for the period of one year, and not exceeding four years, shall, upon such second conviction, be sentenced to undergo an imprisonment in the penitentiary, at hard labour, for the term of seven years. Punishment upon a second conviction for a different offence.

SECT. 42. This act shall go into operation on the first day of February next; and all crimes and offences committed before this act goes into operation, shall be prosecuted as heretofore; but the punishments shall be as similar to those designated in this code, as it may be in the power of the court to order and direct. When this act shall operate.

APPORTIONMENT OF PENITENTIARY PUNISHMENT.

SECT. 43. In all cases in this code where the term of punishment in the penitentiary is discretionary, the court shall determine that punishment, paying due respect to any recommendation which the jury may think proper to make in that regard. Discretionary punishment in the penitentiary.

SECT. 44. All laws or parts of laws repugnant to this act be, and they are hereby repealed. Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 20th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 382.)

AN ACT

To repeal the act passed on the 16th December, 1811, and the act passed on the 19th December, 1816, on the subject of the Penal Code of this state; and to amend the act passed the 20th December, 1817, entitled An act to amend the Penal Code of this state.

BE it enacted by the Senate and House of Representatives, in General Assembly met,

The second section of the second division of the penal code of 1817, repealed.

Accessory defined.

That the second section of the second division of an act, entitled An act to amend the penal code of this state, passed the 20th December, 1817, be, and the same is hereby repealed, and that the following be substituted therefor, viz: An accessory is a person who, after full knowledge that the crime has been committed, conceals it from the magistrate, and harbours and protects the person charged with, or found guilty of the crime.

A part of the second section, seventh division of the code aforesaid, repealed.

SECT. 2. *And be it further enacted,* That so much of the second section of the seventh division of the act of 1817, before mentioned, as follows, be, and the same is hereby repealed, viz: "And unless the application to set aside such verdict, judgment, rule or order, shall be made within one year after the same shall have been obtained or entered up."

Fourth section of the eighth division of said code altered. Additional oath of civil and military officers. The oath.

SECT. 3. *And be it further enacted,* That the fourth section of the eighth division of the act of 1817 aforesaid, is hereby altered so as to read as follows, viz: All officers, civil and military, who may be appointed after the first day of January, 1819, in this state, shall take and subscribe the following oath, in addition to the oath heretofore prescribed: I, A. B. do solemnly swear, in the presence of Almighty God, that I have not, since the first day of January, 1819, been engaged in a duel, either directly or indirectly, either as principal or second, or in any other character whatever, in this state.

Persons challenging or accepting a challenge;

How punished.

SECT. 4. *Be it also enacted by the authority aforesaid,* That if any person in this state shall deliberately challenge, by word or writing, the person of another, to fight at sword, pistol or other deadly weapon; or if any person so challenged shall accept the said challenge, in either case, such person so giving or sending, or receiving any such challenge, and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and imprisoned in the common jail of the county, or, on the recommendation of the jury, undergo an imprisonment in the penitentiary, at hard labour or labour, for any time not less than twelve months, nor longer than two years.

SECT. 5. And if any person shall willingly and knowingly carry and deliver any written challenge, or verbally deliver any message, purporting to be a challenge, or shall consent to be a second in any such intended duel, every such person offending and being convicted thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, and be imprisoned in the common jail of the county, at the discretion of the court; or if the jury should recommend it, he may be imprisoned in the penitentiary, at hard labour, or labour, for any time not less than twelve months, nor longer than two years. (No. 382.)
 Bearers of challenges;
 How punished.

SECT. 6. *And be it further enacted,* That it shall be sufficient to form an indictment generally, against either of the principals for challenging another to fight at deadly weapons, and notwithstanding it may appear on the trial, that the defendant only accepted the challenge, it shall be sufficient to convict and render him liable to the penalties aforesaid; and in like manner an indictment against the second may be framed generally, for carrying and delivering a challenge, and the proof of the mere act of fighting, and the defendant being present thereat, shall be sufficient to convict the defendant, upon an indictment so framed; and if the duel shall take place within this state, the mere act of fighting shall be full and complete evidence of the charges respectively, of giving or receiving, or of carrying and delivering a challenge, without other proof thereof. Indictment for challenging, &c.
 Indictment against seconds, when sufficient, &c.

SECT. 7. *And be it further enacted,* That the law passed on the 16th December, 1811, and that on the 19th December, 1816, on the subject of the penal code of this state, be, and the same are hereby repealed. Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 383.)

AN ACT

To amend an act, entitled "An act to amend the Penal Code of this state," passed on the twentieth day of December, in the year eighteen hundred and seventeen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the punishment of manslaughter, where the same shall be voluntary, shall be confinement and hard labour, or solitude, in the penitentiary, for the times prescribed in the seventh section of the fourth division of the before recited act; and that in all cases of commitment to the penitentiary, labour or solitude shall compose a part of the punishment.

Voluntary manslaughter, how punished.

Labour or solitude to compose a part of all penitentiary punishments.

The presiding judge to order a penitentiary convict into custody, and to require him to be conveyed under guard to the penitentiary.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when any person may be convicted of the aforesaid offence, or any other offence which may subject him or her to confinement in the penitentiary, it shall be the duty of the judge presiding, by his sentence to order the convict into custody, and also to require that such convict, within a reasonable time to be limited in such sentence, shall, under a suitable guard, be conveyed to the penitentiary, and deposited therein.

SECT. 3. *And be it further enacted,* That all laws militating against this act be, and the same are hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

PENITENTIARY.

1816.

(No. 384.)

AN ACT*

To carry into effect the penal code of this state, and the Penitentiary System founded thereon.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That so soon as the penitentiary now building shall be, by proclamation of the Governor of this state, declared fit to receive convicts, the board of inspectors shall appoint a principal† keeper of the said penitentiary, and one or more, at discretion, deputies, as well as a turnkey,‡ under the said principal keeper, to manage and superintend the said penitentiary, and the convicts therein; the same shall be appointed for the purpose of confining such males and females as shall be convicted and sentenced to labour and confinement in the said penitentiary.

The board of inspectors to appoint a keeper, deputies and turnkey, for the penitentiary.

SECT. 2. *And be it further enacted by the authority aforesaid,* That after the appointment, by the board of inspectors, of a principal keeper, and two deputies and a turnkey under him, no further deputy shall be appointed, unless the convicts exceed ten in number to each deputy: that the principal and deputies and turnkey shall be removed, for misconduct, by the board of inspectors, and others appointed; and every vacancy in

When the number of deputies may be increased. Said keeper, deputies and turnkey removable by the board for misconduct. Vacancies.

* See the four following amendatory acts.

† There shall be one principal keeper and four deputies; the principal keeper to be appointed annually by joint ballot of both branches of the Legislature, and the assistant keepers by the board of inspectors and principal keeper; removable for misconduct by the board of inspectors; and every vacancy in said officers shall be supplied in like manner. See act of 1818, No. 387.

‡ So much of this act as relates to the appointment of turnkey is repealed. See act of 1818, No. 387, section 7.

(No. 384.) the officers superintending and managing the convicts shall be supplied by the same authority.

Salaries of
said keeper,
deputies and
turnkey.

Said officers
to give secu-
rity.

Their oath.

SECT. 3. *And be it further enacted by the authority aforesaid,* *That the salary of the principal keeper shall be one thousand dallars, payable quarterly; and for each deputy and turnkey, three hundred dollars, payable quarterly; and the principal keeper, deputies and turnkey shall give good and sufficient security, in such sum as required by the board of inspectors, with at least two persons for each, of their good conduct in office, and obedience to, and compliance with the acts, rules, and regulations respecting the said penitentiary and the convicts therein; and before acting in their respective offices, the said several officers superintending and managing the interior of the penitentiary and the convicts therein, shall swear or affirm as follows: "I do most solemnly swear, that I will faithfully and diligently execute all the duties required of me as ——— in the penitentiary, and carry into execution the laws and regulations passed for the said institution, so far as concerns my said office; and I also most solemnly swear, that I will on no occasion ill treat or abuse any convict under my care, beyond the punishment ordered by law, or the rules and regulations of the institution; so help me God."

Convicts, how
conveyed to
the peniten-
tiary, &c.

Sheriffs, how
punished for
not removing
and delivering
at the peniten-
tiary said con-
victs.

SECT. 4. *And be it further enacted by the authority aforesaid,* That every person convicted, in any county of this state, of any crime or offence punishable with confinement in the penitentiary, shall, as soon as possible after conviction, together with a copy of the record of his or her conviction and sentence, be safely removed and conveyed by the sheriff of the county or his deputy, to the said penitentiary, and therein be kept during the term of his or her confinement; and every sheriff who shall neglect to remove and safely deliver at the penitentiary such convict, shall forfeit and pay a sum not exceeding ten thousand, nor less than one thousand dollars, to be recovered in any court of record, by action of debt, and the amount, when recovered, to be paid over for the use of the penitentiary; and moreover the said sheriff shall be indicted for such negligence and offence, and, if convicted thereof, shall be removed from office.

Governor to
defray the ex-
penses of re-
moving con-
victs, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That his excellency the Governor shall defray the expense of removing and safely delivering convicts from the place of conviction to the said penitentiary; and that the sum allowed the sheriff for such removal, (according to the distance,) and for a guard to attend such removal, shall, from time to time, be allowed and fixed, and paid by the executive.

* See the second section of the act of 1818, No. 387, as to the salaries of the keeper and his assistants.

SECT. 6. *And be it further enacted by the authority aforesaid,* That every person confined in the said penitentiary, and sentenced to be placed and kept in the solitary cells, shall undergo the said sentence under the direction of the board of inspectors, who shall have power to direct the infliction of all solitary confinement, at such intervals, and in such manner, as they shall judge best. (No. 384.) Solitary confinement to be inflicted under the direction of the board of inspectors.

SECT. 7. *And be it further enacted by the authority aforesaid,* That any person convicted in this state, and sentenced to the penitentiary under the authority of the United States, shall be received in the aforesaid penitentiary in such manner and under such conditions as may be directed by the board of inspectors. Offenders sentenced to the penitentiary under the authority of the U. States.

SECT. 8. *And be it further enacted by the authority aforesaid,* *That there shall be a guard appointed for the safety of the said penitentiary, and to keep order and to enforce the laws and rules and regulations of the same, when called to the assistance of any officer of the said penitentiary; the guard shall be provided with lodgings and accommodations at the said building, and shall consist of not exceeding twenty-five men, as exigencies may require, including one subaltern officer and three sergeants, and be allowed the following pay and uniform, to wit: to a subaltern, thirty dollars, to a non-commissioned officer, fifteen dollars, and to each private, ten dollars per month; and the same clothing and rations as are allowed the troops in the service of the United States: the officer shall be commissioned by the Governor, and, together with non-commissioned officers and privates, shall be under the same rules and regulations as the militia of this state when called into actual service; and no person shall be enlisted in the said guard, unless for the term of one year, and not exceeding two, and may be discharged at any time by the board of inspectors, for misconduct; and the officer, for misconduct or neglect of duty, shall be discharged by the Governor; but in either case shall, nevertheless, be subject to a trial before a court martial, composed of the officers of the militia to be appointed by the Governor, which said court shall have power to extend their punishment to confinement in the penitentiary. A guard to be appointed. Their number. Their pay and uniform. Subject to the rules and regulations of the militia in actual service. Term of enlistment. How discharged for misconduct. Officer triable by a court martial.

SECT. 9. *And be it further enacted by the authority aforesaid,* That there shall be a board of inspectors to direct and order the management and conduct of the officers of the said penitentiary, and to make such rules and regulations as may from time to time be required, so that the same be not repugnant to law; and the said inspectors shall have one or more rooms appropriated for their use in the said building, and shall form a board with a chairman, at least four stated periods of the year, and at such other times as the said inspectors may direct; whose duty it shall be to order and direct the concerns Board of Inspectors; When and where to meet. Their duty.

* As to the penitentiary guard, see the four following acts; particularly the repealing section of the act of 1818, No. 387, and the first section of the act of 1819, No. 388.

(No. 384.) of said institution, and dispose of the monies appropriated for the same, or made by the labour of the convicts : there shall always be two acting inspectors, who shall visit the penitentiary at least twice a week, and strictly inform themselves of the proceedings of the officers, and other conduct of the convicts. The board shall consist of nine members, though five shall form a board for the purpose of all necessary business ; of which the Governor of the state shall be one *ex officio*, and, when present, preside as chairman. *The said nine inspectors shall be yearly appointed by resolution of the General Assembly, and the Governor shall have power to call the said inspectors together at any time when circumstances render it necessary.

Their number. Governor one *ex officio*. Said inspectors appointed by the legislature. Governor may call them together at any time.

Clothing of the convicts. SECT. 10. *And be it further enacted by the authority aforesaid*, That all convicts shall, at the public expense, during the term of their confinement, be clothed in habits of coarse materials, uniform in colour and make, and distinguishing them from the good citizens of this state ; and the males shall have their beards shaven at least once in every week ; and all such offenders shall, during the said term, be sustained upon bread, Indian meal, or other food, at the discretion of the said inspectors, and shall be allowed seven meals of meat in each week ; and shall be kept, as far as may be consistent with their sex, age, health and ability, to labour of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and where the materials are not easily embezzled or destroyed ; and if the work to be performed is of such a nature as may require previous instruction, proper persons for that purpose, to whom a suitable allowance shall be made, shall be provided by order of any two of the inspectors ; during which labour the said offenders shall be kept separate and apart from each other, if the nature of the several employments will admit thereof ; and where the nature of such employment requires two or more to work together, the keeper of the said penitentiary, or one of his deputies shall, if possible, be constantly present.

Their food.

Their labour.

Convicts at work to be kept apart as much as possible, &c.

To be kept at work every day, except Sundays, &c. Hours of work apportioned according to the seasons of the year. SECT. 11. *And be it further enacted by the authority aforesaid*, That such offenders, unless prevented by ill health, shall be employed in work every day in the year except Sundays, and such days as they shall be confined in the solitary cells ; and the hours of work in each day, shall be as many as the season of the year, with an interval of half an hour for breakfast, and one hour for dinner, will permit ; but not exceeding eight hours in the months of November, December and January, nine hours in the months of February and October, and ten hours in the rest of the year ; and when such hours of work are past, the working tools, implements and materials, or such of them as will ad-

* The board of inspectors shall be elected by joint ballot of both branches of the General Assembly annually, &c. See act of 1817, No. 385.

mit of daily removal, shall be removed to places proper for their safe custody until the (No. 384.) hour of labour shall return.

SECT. 12. *And be it further enacted by the authority aforesaid,* The the keeper of the said penitentiary shall, from time to time, with the approbation of any two of the inspectors, provide a sufficient quantity of stock and materials, working tools and implements for such offenders, for the expense of which, the said inspectors, or any two of them, shall be, and they are hereby authorized to draw orders on the Governor of this state, if need shall be, specifying in such orders the quantity and nature of the materials, tools or implements wanted, which order, the said Governor, upon his approval, shall draw for by warrant on the treasury; and the treasurer is hereby required to discharge out of any money which may be at the time in the treasury; for which materials, tools and implements, when received, the said keeper shall be accountable; and the said keeper shall, with the approbation of any two of the said inspectors, have power to make contracts with any person whatever, for the clothing, diet, and all other necessities for the maintenance and support of such convicts; and for the implements and materials of any kind of manufacture, trade or labour, in which such convicts shall be employed; and for the sale of such goods, wares and merchandizes, as shall be there wrought and manufactured: and the said keeper shall cause all accounts concerning the maintenance of such convicts and other prisoners, to be entered regularly in a book or books to be kept for that purpose; and shall also keep separate accounts of the stock and materials so wrought, manufactured, sold and disposed of, and the monies for which the same shall be sold, and when sold, and to whom, in books to be provided for those purposes; all which books and accounts shall be at all times open for the examination of the said inspectors, and shall be regularly laid before them at their quarterly or other meetings, for their approbation and allowance.

Stock, materials, working tools and implements, how provided and paid for.

Keeper accountable for said stock, materials, &c. The keeper, with the approbation of any two inspectors, may contract with any one for the clothing, &c. for the convicts. Certain books of accounts concerning the stock and materials manufactured and sold, and monies received, &c. to be kept by the keeper; To be examined by the inspectors. Certain powers given to the inspectors for the purpose of detecting any fraud, &c. in said books.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if the said inspectors, at their quarterly or other meetings, shall suspect any fraudulent or improper charges, or any omission in any such accounts, they may examine, upon oath or affirmation, the said keeper or any of his deputies, servants or assistants, or any other person of whom any necessities, stock, materials or other things have been purchased, for the use of the said penitentiary, or any persons to whom any stock or materials, wrought or manufactured therein, have been sold, or any other person or persons, concerning any of the articles contained in such accounts, or any omission thereout; and in case any fraud shall appear in such accounts, the particulars thereof shall be reported by the said inspectors to the Governor, who shall act thereon.

(No. 384.) SECT. 14. *And be it further enacted by the authority aforesaid,* That in all cases where any prisoner, during the term of his or her imprisonment, shall have evinced great industry and obedience, he or she shall have, at the time of his or her discharge, such reasonable part of the nett proceeds of his or her labour as the board of inspectors shall direct; and if any prisoner, at the end of his or her period of confinement, shall labour under any acute or dangerous distemper, he or she shall not be discharged, unless at his or her own request, until he or she can be safely discharged.

Any prisoner labouring under any dangerous disease when his or her term of punishment shall expire, not to be discharged, unless upon request.

No person, but those in this section designated, shall enter within the walls where the convicts are.
Doors to be locked, and light extinguished at 8 o'clock, P. M.
Patrole.

SECT. 15. *And be it further enacted by the authority aforesaid,* That no person whatever, except the keeper, his deputies, servants or assistants, the said inspectors, officers and ministers of justice, ministers of the gospel, or persons producing a written license, signed by two of the said inspectors, shall be permitted to enter within the walls where such offenders shall be confined; and the doors of all the lodging rooms and cells in the said penitentiary shall be locked, and all light therein extinguished at the hour of eight o'clock in the evening, and one or more watchmen shall patrol the said penitentiary, at least twice in every hour, from that time until the return of the time of labour in the morning of the next day.

Walls of the apartments, &c. to be whitewashed, and the floors to be scoured, &c. &c.

Prisoners permitted to air themselves, &c.

Proviso.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the walls of the cells and apartments in the said penitentiary shall be whitewashed with lime and water, at least four times in every year, and the floors of the said cells and apartments shall be washed once every week, or oftener, if the said inspectors shall so direct, by one or more of the said prisoners in rotation, who, at the discretion of the said keeper, shall have an extra allowance of diet for so doing; and the said prisoners shall be allowed to walk and air themselves for such stated time as their health may require, and the said keeper shall permit; and if proper employment can be found, such prisoners may also be permitted, with the approbation of two of the said inspectors, to work in the yard, or in making or cultivating a garden for use and ornament: *Provided,* such airing and working in the yard be in the presence or within the view of the said keeper, or his deputies or assistants.

Infirmary.

Regulations concerning sick convicts.

SECT. 17. *And be it further enacted by the authority aforesaid,* That one or more of the apartments of the said penitentiary, shall be fitted up as an infirmary; and in case any such offender being sick, shall, upon examination of a physician, be found to require it, he or she shall be removed to the infirmary, and his or her name shall be entered in a book to be kept for that purpose; and when such physician shall report to the said keeper, that such offender is in a proper condition to quit the infirmary, and return to his or her employment, such report shall be entered by the said keeper, in a book to be

kept for that purpose, and the said keeper shall order him or her back to his or her (No. 384.) former labour, so far as the same shall be consistent with his or her state of health; and the Governor or inspectors shall, from time to time, appoint a physician to attend the said penitentiary.* Physician, how appointed.

SECT. 18. *And be it further enacted by the authority aforesaid,*† That the keeper of the said penitentiary shall have power to punish all such prisoners, guilty of assaults, within the same, when no dangerous wound or bruise is given, profane cursing and swearing, or indecent behaviour, idleness or negligence in work, or wilful mismanagement of it, or of disobedience to the orders or regulations, by confining such offenders in the solitary cells of the same, and by keeping them upon bread and water only, for any term not exceeding two days; and if any such prisoner shall be guilty of any offence within the said penitentiary, which the said keeper is not hereby authorized to punish, or for which he shall think the said punishment is not sufficient, by reason of the enormity of the offence, he shall report the same to two of the said inspectors; who, if upon proper inquiry, they shall think fit, shall thereupon order such offences to be punished by close confinement in the said solitary cells, with bread and water only for sustenance, for any time not exceeding six days. Certain offences herein specified, punishable by the keeper. Other offences, by convicts; How punished.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the board of inspectors, at their quarterly or other meeting, shall make such other and further orders and regulations, for the purpose of carrying this act into execution, as they may deem proper; and such orders and regulations shall be hung up in at least six of the most conspicuous places in the said penitentiary; and if the said keeper, or any of his deputies or assistants, shall obstruct or resist said inspectors, or any of them, in the exercise of the powers and duties vested in them by this act, such person shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, and moreover shall be liable to be removed from his respective office or employment in the said penitentiary. Further powers of the inspectors. If the keeper, his deputies, or assistants resist, or obstruct said inspectors, how punished.

SECT. 20. *And be it further enacted by the authority aforesaid,* That if any offender, sentenced to hard labour, shall escape, he or she shall be indicted for an escape, and on conviction thereof, suffer such additional confinement and hard labour, agreeable to the directions of the penal code, as the court in which such offender shall have been convicted shall judge and direct.‡ Escape of any convict sentenced to hard labour, how punished.

* See 6th and 7th sections of the act of 1819, No. 388, as to the appointment, salary and duties of the physician.

† See the 5th section of the act of 1818, No. 387.

‡ See Penal Code of 1817, 7th division, 14th section.

(No. 384.)

Spirituous and fermented liquors not to be introduced in the penitentiary, &c.

Penalty.

SECT. 21. *And be it further enacted by the authority aforesaid,* That no spirituous or fermented liquors shall be introduced into the said penitentiary, except only such as the said keeper shall make use of in his own family, or such as may be required for any prisoner in a state of ill health, and for such purpose prescribed by an attending physician, and delivered into the hands of such physician or other person appointed to receive them; any person so offending, shall forfeit and pay the sum of twenty dollars, one moiety thereof to the use of the person suing, the other moiety to be paid to the said inspectors for the purposes in this act contained.

Trials for escapes.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the trial of the prisoners escaping from the penitentiary, shall be had for such escape before the Superior Court of Baldwin county; and the prisoners so escaping shall remain in the penitentiary, and be treated as other convicts, after their apprehension, until such trial shall take place; upon which trials the copies of the records transmitted to the keeper of the penitentiary, relative to the former trials of such prisoners, shall be produced and filed of record in the said Superior Court.

Further powers of the inspectors with regard to the diet and clothing of the convicts, and sales, purchases, &c.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the board of inspectors may contract with the said keeper, or with any other person or persons, for the diet and clothing of the prisoners, for the purchase of materials, tools, and implements, and for the sale of wares and merchandize manufactured within the said penitentiary, on such terms as to them shall seem most advisable for the public interest, and from time to time, shall make such reasonable allowances or commissions on the objects aforesaid, as they shall deem proper.

Further duty of the keeper.

Duty of the physician.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the keeper shall compel every prisoner to perform his daily labour, unless such prisoner shall have been placed on the list of invalids by the physician,* whose duty it shall be to visit the penitentiary, once in every day, (Sundays excepted,) from the first of July to the first of November; once in two days, the residue of the year, for the purpose of examining the convicts as to their health and ability to work.

Articles for the public, to be manufactured or delivered upon the requisition of the governor.

SECT. 25. *And be it further enacted by the authority aforesaid,* That in all cases where the public service requires articles manufactured, or to be manufactured by the convicts, the same shall be delivered or manufactured, on the requisition of the Governor, given in writing to the board of inspectors, who shall thereupon order the same to be made or delivered.

* See the 7th section of the act of 1819, No. 388, as to the duties of the physician.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the following (No. 384.) rules and regulations shall be adopted by the board of inspectors, and the officers appointed for the said penitentiary.

Further rules and regulations.

RULES AND REGULATIONS,

For the internal Government of the Penitentiary.

1. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the keeper, upon the receipt of any convict, to take his or her height, and cause the same to be entered in a book, in which he shall also note, when such convict was received, his or her name, age, complexion, coloured hair and eyes, the county in which he or she was convicted, the nature of the crime, period of confinement, what portion of that period in solitude, and the place of his or her nativity.

Duty of the keeper upon the arrival of a convict.

2. *And be it further enacted by the authority aforesaid,* That every prisoner shall be carefully searched, and deprived of any instrument by which he or she may effect his or her escape, before he or she is received into the penitentiary.

Convicts to be searched on their arrival.

3. *And be it further enacted by the authority aforesaid,* That solitary confinement may, in all cases, be dispensed with, where, in the opinion of the keeper, the state of any prisoner's health, or the interest of the state may render it expedient to do so, subject to the board of inspectors.

Solitary confinement, when it may be dispensed with.

4. *And be it further enacted by the authority aforesaid,* That the particular employment of each prisoner shall be such as the keeper may consider best adapted to his or her age, sex and state of health, having due regard to that employment which is the most profitable. The keeper shall deliver out the materials, and receive the work by weight or measure, as far as practicable, in order to prevent embezzlement or waste. He shall cause each assistant to keep a book, in which shall be entered, opposite the name of every prisoner in his ward, the quantity of raw materials delivered out to him or her, in any week, and regularly enter, under each day of the week, the work which has been completed on that day. At the end of the week, the labour of each convict shall be ascertained; and any convict who shall be found remiss or negligent in performing the work required, to the best of his or her power and abilities, or who shall wilfully waste, damage or embezzle the said materials, or any part thereof, shall be severely punished as directed by law.

Particular employment of each convict.

Further duties of the keeper.

5. *And be it further enacted by the authority aforesaid,* That the males and females shall, at all times, be kept separate and apart.

Males and females to be kept apart.

(No. 384.)

Keeper to enforce cleanliness among the convicts, and in their apartments.

6. *And be it further enacted by the authority aforesaid,* That the keeper shall take care that the prisoners wash themselves every morning, and before meals, and put on clean linen at least once a week, (when all the males shall have their beards close shaved,) and that their apartments be swept every morning, and fumigated during the summer and fall seasons, once a week, or oftener, with tar and vinegar.

No unauthorized person to enter the penitentiary without a permit from an inspector.

7. *And be it further enacted by the authority aforesaid,* That the keeper shall permit no person, (except the inspectors of the penitentiary, and others authorized by law,) to go into the penitentiary-house, without a written license from an inspector. In all cases of permits to visit the penitentiary, the names of the parties permitted to visit ought to be inserted in the license for that purpose; and where a person wishes to visit a friend or connection, who may be a prisoner in the penitentiary, it must be so expressed in the permit, if the fact can be ascertained. If the applicant to visit be of known bad character, or have been frequent in making applications, or shall have been detected in any improper intercourse with any of the prisoners, or if the conduct of the prisoner whom he or she may wish to see has not been uniformly correct, the keeper may refuse admittance beyond the inner gate, or prevent the parties from conversing, except through the aperture of said gate, notwithstanding a permit may have been obtained to visit the interior of the penitentiary. An indulgence to a person to visit a friend or connection, within the interior of the penitentiary, can only be the result of good conduct in both parties; and when such indulgence is granted, the keeper, or one of his assistants, shall always be present. No letter, or other communication in writing, shall be suffered to go in or out of the said penitentiary, until the same shall have been examined and approved by the keeper; nor shall any person, without his consent, carry any thing in or out, for the use of the prisoners.

No letter, &c. to be sent in or out of the penitentiary without being examined and approved by the keeper.

Rooms and cells to be numbered and divided into wards, &c. Duty of the assistant keepers.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the keeper shall cause all the rooms and cells to be numbered, and divided into so many wards as there may be assistants; allotting to each ward, as nearly as may be, an equal number of rooms and cells, and one of the said wards to each assistant; whose duty it shall be, under the direction of the keeper, to examine, every evening, the doors, windows, beds and rooms of the prisoners belonging to his ward; to search and lock them up before dark, and not suffer them to carry into their apartments any instrument that may assist them in escaping; and also to extinguish carefully, all the fire in the work rooms.

Only one convict at a time to approach the inspectors, or other visiting persons, &c. &c.

9. *And be it further enacted by the authority aforesaid,* That the keeper shall not suffer more than one of the convicts at a time to approach the inspectors, or other persons permitted to go into the penitentiary, nor any convicts to listen to any thing such persons are saying, except when spoken to, and desired to pay attention.

10. *And be it further enacted by the authority aforesaid,* That the keeper shall not suffer (No. 384.) any kind of gaming in the penitentiary house, either among the convicts or his assistants, nor cursing or swearing, or other profane language. Gaming, profane swearing, &c. prohibited in the penitentiary.

11. *And be it further enacted by the authority aforesaid,* That the keeper shall cause the yard of the penitentiary house to be kept free from horses, cows, goats, hogs and fowls, and the Necessary to be kept inoffensive. Penitentiary yard, &c.

12. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the keeper, on the receipt of each prisoner, to read to him or her such parts of the penal laws of this state as impose penalties for escapes, and to make all the prisoners in the penitentiary acquainted with the same. It shall also be his duty, on the discharge of each prisoner, to read to him or her such parts of the said laws as impose additional punishments for the repetition of offences. Further duty of the keeper.

13. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the keeper carefully to inspect the moral conduct of the prisoners; to furnish them with such moral and religious books as shall be recommended by the inspectors; to procure the performance of divine service on Sundays, as often as may be, and enjoin a strict attention to all the rules of the institution. Keeper to furnish the convicts with moral and religious books, to procure performance of divine service on Sundays, &c. &c.

14. *And be it further enacted by the authority aforesaid,* That the keeper shall, from time to time, distribute among the prisoners such cheap books as he may deem best calculated to improve the mind and meliorate the heart: and the acting inspectors shall report to the executive such of the convicts as may distinguish themselves for their industry and good morals, and who, by an exemplary line of conduct, may have evinced a total reformation. The keeper to distribute cheap and useful books among them. Inspectors to report to the executive such convicts as appear to be wholly reformed.

15. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the turnkey and assistants to continue, at all times, in the penitentiary all night, and to keep watch in such manner as the keeper shall direct. Further duty of the turnkey and assistants.

16. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the keeper to cause the clothes of the prisoners, when received in the penitentiary, to be washed and carefully put away, putting a ticket with their names to each, to be returned to them on their discharge; or if it should be the wish of any of the prisoners that their clothing should be sold, he shall dispose of them to the best advantage, and retain the money arising from such sale, to be returned to such prisoners on their discharge. Duty of the keeper concerning the clothes of the convicts brought with them.

(No. 384.)
Annual clothing
of the
convicts.

17. *And be it further enacted by the authority aforesaid,* *That the clothing annually furnished the prisoners shall consist, for each male, of one short coat, and one pair of overalls, made of blue cloth, and one waistcoat made of brown, two pair of shoes, two pair of yarn stockings, two shirts, and two pair of trowsers, made of osnaburgs or homespun; and for each female, of two short gowns and two petticoats, made of blue plains; two shifts and two petticoats made of osnaburgs, two pair of shoes, two pair of yarn stockings, and two blue linen or cotton neck handkerchiefs.

Diet of the
convicts;

how served.

19. *And be it further enacted by the authority aforesaid,* That the diet of the prisoners shall be such as directed by the board of inspectors, and the provisions shall be sound and wholesome, and served at the ringing of a bell, at the sound of which all the prisoners shall assemble, except the sick, who shall be furnished agreeably to the directions of the attending physician.

Duty of the
acting inspec-
tors with re-
gard to the
foregoing
rules.

19. *And be it further enacted by the authority aforesaid,* That the acting inspectors are requested, at the expiration of their respective terms of service, as such to make a report to the executive, of the manner in which the foregoing rules shall have been carried into effect during the time of their visitation at the penitentiary house.

Visiting com-
mittee of the
legislature.

20. *And be it further enacted by the authority aforesaid,* That a committee of both branches of the legislature shall, at each session, be appointed to visit the penitentiary, and strictly examine the concerns of the said institution, and investigate the conduct of the officers, and the rules and regulations of the penitentiary, and especially report thereon.

Testimony of
a convict may
be taken in
any civil
cause, by
commission.

Affidavit that
the convict is
a material wit-
ness, to be
filed.

21. *And be it further enacted by the authority aforesaid,* That where any convict, confined in the penitentiary, is a witness in any civil cause, depending in any court of this state, and his testimony required, the same shall be taken by commission, and read at the trial of such civil cause; and in no civil case shall such convict be removed from the penitentiary, to give personal attendance at court: but before such commission issues, the party, or his or her attorney, requiring such commission, shall file an affidavit

* See the 5th section of the act of 1817, No. 386, which authorizes the inspectors to furnish the convicts with additional clothing and bedding when necessary.

with the record of the proceedings, that the convict to be examined is a material witness in the cause. (No. 384.)

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 385.)

To amend an act, entitled "An act to carry into effect the Penal Code of this state, and the Penitentiary System founded thereon."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That the board of inspectors of the penitentiary edifice shall be elected by joint ballot of both branches of the General Assembly annually, who shall hold their offices until their successors are elected.

The board of inspectors to be elected annually by the legislature, &c.

SECT. 2. *And be it further enacted,* That the board of commissioners of the penitentiary edifice and its appertinances shall consist of three members, and be separate and distinct from the board of inspectors; and no member of either board shall be a member of the other, nor any officer of the penitentiary.

Commissioners of the penitentiary edifice, &c.

SECT. 3. *And be it further enacted,* *That the principal keeper, one assistant keeper, and turnkey of the penitentiary, shall be elected annually by joint ballot of both branches of the General Assembly, and shall hold their appointments for one year, and until their successors are appointed and sworn; subject nevertheless to be removed from office by his excellency, and a majority of the board of inspectors, for malpractice, misconduct, or neglect of duty in office; and in all cases of vacancy by death, resignation or otherwise, of any keeper or turnkey, the Governor and board of inspectors shall appoint a keeper or turnkey, pro tem. (as the case may be) who shall discharge the du-

The keeper, one assistant keeper and turnkey, to be elected annually by the legislature. How removed. Vacancies.

* See act of 1818, No. 387, which enacts that there shall be one principal keeper and four deputies, and prescribes the mode of their election, &c.

(No. 385.) ties of keeper or turnkey, until the vacancy shall be filled by the legislature, agreeable to the provisions of this act.

The guard,
&c. under the
control of the
principal
keeper.

SECT. 4. *And be it further enacted*, That the guard, and all officers attached to and belonging to the penitentiary edifice, shall be under the immediate direction and control of the principal keeper.

Rations allow-
ed to the
keeper.

SECT. 5. *And be it further enacted*, *That the rations of a captain in the army of the United States be allowed to the said principal keeper, in addition to his pay as principal keeper.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 386.)

AN ACT

To better provide for carrying into effect the internal regulations of the Penitentiary.

Preamble.

WHEREAS, the safety of the convicts, in the present unfinished state, depends on the guard; and whereas, it is expedient that the number should be increased:

Pay of the
penitentiary
guard.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* †That from and after the passage of this act his excellency the Governor be, and he is hereby authorized to pay to each guard, per month, during his service in guarding the penitentiary, the sum of five dollars, out of any money not otherwise appropriated, in addition to that heretofore allowed by law.

* Rations not allowed to the keeper. See act of 1818, No. 387, section 7th.

† See act of 1819, No. 388, section 1, which leaves the number and pay of the guard to the discretion of the inspectors.

SECT. 2. *And be it further enacted*, That it shall be the duty of the inspectors of the penitentiary, upon the misconduct of any one of the officers of the guard, to report the same to the Governor, who may remove from office any such offending officer.

(No. 386.)
Misconduct of
the officers of
the guard,
how punished.

SECT. 3. *And be it further enacted*, That the board of inspectors shall have full power and authority to discharge any of the guard for misconduct or neglect of duty, and any person so discharged shall forfeit all of the pay then due to him.

Inspectors
may discharge
any of the
guard for
misconduct.

SECT. 4. *And be it further enacted*, That it shall be the duty of the said inspectors to lay before the visiting committee of said penitentiary annually, at the meeting of the legislature, a report of all their proceedings for the political year, which committee shall report the same to the General Assembly.

Inspectors to
make an an-
nual report to
the visiting
committee,
&c.

SECT. 5. *And be it further enacted*, That the inspectors of the penitentiary edifice are hereby authorized to furnish to the convicts such other articles of clothing and bedding as they may deem essential to the preservation of their health.

Authorized to
furnish to the
convicts arti-
cles of cloth-
ing and bed-
ding.

SECT. 6. *And be it further enacted*, *That from and after the passage of this act, the wages of the assistant keeper and turnkey shall be five hundred dollars per year.

Wages of the
assistant keep-
er and turn-
key.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 20th December, 1817.

WILLIAM RABUN, GOVERNOR.

* This section not in force.

(No. 387.)

AN ACT

To amend An act to carry into effect the Penal Code of this state.

One keeper and four deputies for the penitentiary. How elected. Vacancies.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, there shall be one principal keeper and four deputies, to manage and superintend the internal regulations of the penitentiary; the principal keeper to be appointed annually by joint ballot of both branches of the Legislature, and the assistant keepers by the board of inspectors and principal keeper, removable for misconduct by the board of inspectors; and every vacancy in said officers shall be supplied in like manner.

Salaries of said officers; Who shall give bond and security, and take the oaths heretofore prescribed.

SECT. 2. *And be it further enacted,* That the salary of the principal keeper shall be fourteen hundred and thirty-eight dollars per annum, payable quarterly; and to each assistant keeper, six hundred dollars, payable quarterly; who shall give bond and security for the faithful performance of their respective duties, as may be required by the board of inspectors, and before they enter upon their several duties, shall take and subscribe the oath heretofore required and prescribed.

Penitentiary guard not to exceed 18. Their pay, &c. Proviso.

SECT. 3. *And be it further enacted,* *That the board of inspectors shall at all times, when it becomes necessary to have such a guard (not exceeding eighteen) for the penitentiary as will insure the safety of the convicts, with the pay equal to four hundred dollars each per annum; and the guard shall be under such restrictions, as, in the opinion of the board of inspectors, will insure strict obedience to the laws, rules and regulations of said institution, with power to discharge for misconduct or incapacity: *Provided,* that if it is found by the inspectors that this plan of supporting a guard cannot be carried into effect without making advances of public money, they are authorized to change the mode so as not to pay to each guard more than twenty dollars per month besides his rations and clothing.

Inspectors, to contract for rations for the convicts.

SECT. 4. *And be it further enacted,* That the inspectors, or a majority of them, shall have power and authority to contract for the furnishing rations to the convicts of the penitentiary, in such manner and on such terms, as in their opinion will most conduce to the interest of said institution.

* The number and pay of the guard shall be determined by the inspectors. See the 1st section of the next act, which also renders the guard subject to the rules, &c. which govern the militia when in service.

SECT. 5. The principal keeper shall have power, by the unanimous consent of the inspectors, to inflict such punishment on the offenders against the internal regulations of the penitentiary, as may be necessary to the good order and discipline of the convicts. (No. 387.)
The keeper, by the unanimous consent of the inspectors, may punish offenders against the regulations of the penitentiary.

SECT. 6. *And be it further enacted*, That all and every person or persons, holding an office in the penitentiary, or belonging to the guard, shall reside in the penitentiary edifice, in a room or rooms, to be assigned by the board of inspectors for that purpose; and on failing or refusing so to do, the said office or offices shall be deemed vacant, and filled accordingly. Penitentiary officers, &c. shall reside in the edifice.

SECT. 7. *And be it further enacted*, That so much of the act, as authorizes the appointment of a turnkey and officer, and enlistment of guard, with the clothing and rations, or the clothing and rations of any other officer or keeper of the penitentiary, and all laws or parts of laws militating against this act, be now repealed. Repealing clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 388.)

Amendatory of the laws regulating the Internal Police of the Penitentiary.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, that the guard for the penitentiary shall be employed by the board of inspectors, at such pay, and of such number, as may, in their opinion, be most conducive to the interest of the institution and state; and the guards thus employed shall be subject to the rules and regulations governing the militia of this state, when in service. Penitentiary guard to be employed, and their number and pay determined by the board of inspectors. Subject to the rules, &c. governing the militia when in service.

(No. 387.) **SECT. 2.** *And be it further enacted,* That the principal keeper shall have a superintending power over the institution, and shall be responsible for the conduct of all the officers and superintendants under his command.

Further power of the keeper. **SECT. 3.** *And be it further enacted,* That the guard, the under keepers, and all other persons attached to the institution, (the board of inspectors excepted,) shall be subject to the orders of the principal keeper, who shall have power of arresting, and with the consent of the Governor, of discharging and of appointing all officers and superintendants under his command. **Punishment of under officers, provided for.** And in all cases, should the Governor believe the crime with which the officer thus arrested is charged, merits a higher degree of punishment than bare dismissal, he shall order a board, consisting of two of the board of inspectors and the attending physician, to convene at the penitentiary building, for his or their trial, and this board shall have power to punish the offender, by fine or imprisonment, at their discretion.

Keeper to furnish such articles of diet for the sick, as the physician may direct. **SECT. 4.** *And be it further enacted,* That the principal keeper shall, on the order of the physician, furnish such articles of diet, as he may direct for the use of the sick.

Rations of the convicts regulated. **SECT. 5.** *And be it further enacted,* That the rations of the convicts shall, from and after the passing of this act, consist of, if bacon, eight ounces ; if of pork, twelve ounces ; if of beef, sixteen ounces ; the bread and other rations to be as they have hitherto been ; and no provisions or fruit, other than the lawful ration, shall be admitted into the penitentiary for the use of the convicts, except by the particular direction of the physician, for the use of the sick.

Physician how appointed; His salary. **SECT. 6.** *And be it further enacted,* That a physician for the institution shall be appointed by the Governor and board of inspectors, and shall receive a salary of five hundred dollars per annum.

Duty of the physician. **SECT. 7.** *And be it further enacted,* That it shall be the duty of the physician, to visit the convicts and guards, every day before nine o'clock, A. M. to inspect, once in every week, the institution generally, and report all deficiencies and delinquencies, so far as belongs to his department, weekly, to the visiting inspectors.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

PILOTAGE AND PILOTS.

AN ACT

1811.
(No. 389.)

To regulate the pilotage of vessels to and from the port of Darien and Sapelo river.

WHEREAS, it is highly necessary for the safety of all ships and vessels bound in- Preamble.
ward to and outward from, the port of Darien and Sapelo river, that there should be a
sufficient number of good, skilful and able pilots, constituted and appointed for the
bringing into and carrying out of the same. For the expeditious and effectual perform-
ance of which ;

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the several per-
sons herein after named, be commissioners for the regulation of pilots, rates, and all
matters relating to the pilotage, from the port of Darien and Sapelo river, viz : Thomas
Spalding, James Hamilton, William A. Dunham, Virgil H. Vivion, Scott Cray, Jacob
Wood and Reuben King, three of whom are hereby declared to be a quorum, and are
hereby empowered to nominate and license such person or persons, as they shall think
to be most fit and competent to act as pilots, for the conducting of vessels inward to,
and outward from the port of Darien and Sapelo river.

Commission-
ers of pilotage
appointed for
the port of
Darien and
Sapelo river.
Their powers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the commis-
sioners, or a majority of them, shall have power to pass such bye-laws, rules and regu-
lations, as they shall deem most advantageous for the safe pilotage of vessels bound in-
ward to, and outward from, the port of Darien and Sapelo river : *Provided,* such bye-
laws, rules and regulations, be not repugnant to the laws and constitution of this state,
or the United States.

May pass bye-
laws.
Proviso.

(No. 389.) SECT. 3. *And be it further enacted by the authority aforesaid, That all former acts respecting the regulations of pilots and pilotage, for Darien and Sapelo river, are hereby repealed.*

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 390.)

AN ACT

Supplementary to an act, entitled An act to regulate the pilotage of vessels to and from the several ports of this state.

Qualification
of pilots:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person to be commissioned as a pilot, but a citizen of the United States, and whose usual residence has been therein, and who shall furnish good recommendation of his character, capability, and attachment to our government.*

Compensation
of pilots.

SECT. 2. *And be it enacted by the authority aforesaid, That the compensation for outward pilotage shall be the same as inward, and that the sum of two dollars per day be allowed for each day that any pilot may be detained on board of any vessel bound out, from head wind or other detention.*

No coloured
person shall
be pilots for
Savannah ri-
ver and Tybee
bar.

SECT. 3. *And be it further enacted by the authority aforesaid, That it shall not be lawful for any coloured person or persons to be commissioned to act as pilots for the bar of Tybee and river Savannah.**

Commission-
ers of pilotage
for the bar
and river Sa-
vannah ap-
pointed.

SECT. 4. *And be it further enacted by the authority aforesaid, That the following persons are hereby appointed commissioners for the bar and river Savannah: John Bolton, Joseph Cumming, Abraham Nicols, Barna M^cKinne, J. Minis, Andrew Knox, Thomas*

* See act of 1816, No. 391, restoring the privilege of piloting to two coloured persons.

Rice, James Bilbo, William Taylor, Robert Mackay, Thomas Gardner, William Gaston (No. 390.) and J. Y. White; and that any seven of them shall constitute a board, and shall have full power to regulate the said bar and river Savannah.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all laws or parts of laws militating with this act be, and the same are hereby repealed. Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 391.)

To restore William Wall and Andrew Guarde, two persons of colour, to the privilege of piloting vessels to and from the several ports in this state.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall be lawful for the commissioners appointed to regulate the pilotage of vessels to and from the several ports of this state, and such as may be hereafter appointed, to invest William Wall and Andrew Guarde, two persons of colour, with the privilege of piloting vessels to and from the several ports in this state, any thing in any law to the contrary notwithstanding.

William Wall and Andrew Guarde may be appointed pilots.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 392.)

AN ACT

To grant certain powers to the commissioners of pilotage for the port of Darien, and to authorize them to collect a tonnage duty on vessels.

Commissioners of pilotage for the port of Darien may place anchors, &c. in the Altamaha, to aid vessels passing from Darien to Doboy Sound.

Penalty for displacing, injuring or destroying said anchors, &c.

Tonnage duty authorized.

Proviso.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of pilotage for the port of Darien shall have full power and authority to place in the Altamaha river certain anchors, buoys and chains, for the purpose of aiding and assisting vessels in their passage from Darien to Doboy sound.

SECT. 2. *And be it further enacted by the authority aforesaid, That if any person or persons shall displace, cut, break, alter or destroy any of the said anchors, buoys or chains, they shall forfeit and pay the sum of three hundred dollars, to be recovered in any court of this state having jurisdiction.*

SECT. 3. *And be it further enacted, That the commissioners of pilotage for the port of Darien be, and they are hereby authorized to levy and collect, on all vessels arriving at the port of Darien, three cents per ton, for the purposes as above expressed: Provided, this act shall not be construed to authorize the said commissioners of pilotage to collect tonnage duty on vessels licensed as coasting vessels and drogers in this state.*

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

PORT WARDENS.

AN ACT

1812.
 {
 (No. 393.)

To appoint Port Wardens for the port of Savannah.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That five port wardens for the port of Savannah be appointed, as hereinafter directed, who shall hold their offices for and during the term of one year from and after the first day of January next, and until their successors are appointed and qualified.

Port wardens
for Savannah.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the mayor and aldermen of the city of Savannah be, and they are hereby invested with full power and authority to elect and appoint the said port wardens on the said first Monday in January next, and on the first Monday of every succeeding January thereafter.

How and
when appoint-
ed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the oath to be taken, the duties to be performed by the said port wardens, and fees, shall be prescribed and directed by the said mayor and aldermen of the city of Savannah, any law or usage to the contrary notwithstanding.

Their oath,
duty and fees,
to be prescrib-
ed by the
mayor and
aldermen.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.
 Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

PRIVATE ACTS.

1811.
 {
 (No. 394.)

AN ACT

For the relief of Stephen W. Moore.

Preamble. WHEREAS, it appears that Stephen W. Moore became security for the appearance of one Henry M. Allen, and it appearing that the said Allen did appear at the first term of the court to which he was bound, and from unavoidable circumstances, was unable to attend afterwards; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
 Stephen W. Moore released from a penalty. That the justices of the Inferior Court of Camden county be, and they are hereby directed to remit the penalty incurred by the said Henry M. Allen's failing to attend.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.
 Assented to, 4th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 395.)

To alter and amend an act, entitled "An act to change the names of Betsey Burton, Sally Burton, and Matilda Burton, minors."

WHEREAS, in and by said act, it does appear that Solomon Page is the reputed Preamble. father of Betsey, Sally and Matilda Burton, minors; and that he was desirous they should bear his name. And whereas, there are mistakes in the names of Burtons, as also in the given names of Betsey and Sally.

IT is therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the act to which this refers, shall be amended in manner following, to wit: the names of Burton, expressed in the said act, to be read Horton; and the name of Betsey shall be called and known by the name of Martha; and the name of Sally shall be known by the name of Sarah; and the said Martha, Sarah and Matilda, are hereby freed from the disabilities incident to their birth.

The names of certain persons changed, and certain disabilities removed.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 4th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 396.)

AN ACT

For the relief of Benjamin Everett.

WHEREAS, Benjamin Everett states that he resides on the line dividing the counties of Baldwin and Wilkinson, and is thereby compelled to pay taxes and perform duty in both counties ; for remedy whereof,

Benjamin
Everett
deemed a re-
sident of Bald-
win.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met*, That from and after the passing of this act, the residence of the said Benjamin Everett shall be held and considered as lying and being in the county of Baldwin.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 397.)

AN ACT

For the relief of Joseph Muse, Isaac Johns, William Ammons, James Leigh, William Murden, Samuel Egle, and Edward Pilcher, Jr. defaulting jurors for the Superior Court of the county of Wayne, for October term, 1810.

Preamble.

WHEREAS, the judge of the Superior Court of the county of Wayne, for October term, 1810, imposed a fine of forty dollars on the defaulting grand jurors, and twenty on the petit jurors, and his successor has never fined the jury of said county, more than twenty dollars for grand jurors, and ten for petit ; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That* the justices of the Inferior Court of the county of Wayne, or any three of them, are hereby authorized and required to reduce the fine of Joseph Muse to twenty dollars, and Isaac Johns, William Ammons, James Leigh, William Murden, Samuel Eigne and Edward Pilcher, junior, to ten dollars each; any law, usage or custom, to the contrary notwithstanding.

Certain fines
on the persons
herein named
to be reduced.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 398.)

For the relief of Ann Houston.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the comptroller general of this state be, and he is hereby required to receive a certificate issued at Savannah, on the twenty-third day of June, one thousand seven hundred and eighty-six, by John Wereat, then auditor of the state, in favour of George Houston, since deceased, for five hundred pounds, and to issue to Ann Houston, executrix of the estate of the said George Houston, the holder thereof, another certificate for the like amount, in lieu thereof; any law to the contrary thereof notwithstanding.

An audited
certificate to
be taken up,
and a new one
issued to Ann
Houston in
lieu thereof.

ROBERT IVERSON,
Speaker of the House of Representatives

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 399.)

AN ACT

To alter and change the names of certain persons therein named.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, Joshua Saliers, Jacob Saliers, Benjamin Saliers, Elizabeth Saliers and Susannah Saliers, shall be called and known by the name of Joshua Avoret, Jacob Avoret, Benjamin Avoret, Elizabeth Avoret, and Susannah Avoret.

The names of
certain per-
sons changed.

SECT. 2. *And be it further enacted,* That John Greer be called and known by the name of John McCrary; and John Gates, called and known by the name of John Jamieson; Alfred Brown, to that of Alfred Wellborn; Zachariah Caswell, to Zachariah Butt, and Joseph Mathews, to Joseph Melburn Mathews.

Other names
altered.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,
Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 400.)

To continue in force an act, entitled "An act for the relief of John M^cCloud and the heirs of Micajah Little, deceased."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* the before recited act shall be and remain in full force until the first day of January, 1816.

The recited act to continue in force until the first of January, 1816.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 5th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 401.)

For the relief of William Stobo and Reuben Moore.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the said William Stobo and Reuben Moore are hereby exonerated and discharged from the penalties of a bond entered into by the said Stobo and Moore for the appearance of John R. Salisbury at the Superior Court of Burke county, which recognisance was estreated and judgment entered up against the said Stobo and Moore, at the October term of the Superior Court of said county, in 1812, upon the payment of cost.*

William Stobo and Reuben Moore relieved from a certain forfeited recognisance.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 402.)

AN ACT

For the relief of Hague Laughton.

Preamble.

WHEREAS, the aforesaid Hague Laughton is the chief and head workman of a cotton manufactory in the county of Wilkes, incorporated by the legislature, and in the prosecution of the labours of said factory his constant and particular attention is required, and without it the business of the factory must necessarily stand still; and whereas, by the militia and other laws of this state he has been, and may hereafter be frequently called off from his said beneficial and useful employment, to the great disadvantage of said factory, which ought, as well as all other home manufactories, to be encouraged and protected by a free and enlightened government, and more especially at this eventful crisis:

Hague Laughton relieved from militia and road duties, &c.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That from and after the passing of this act, the said Hague Laughton shall be, and he is hereby exempt from militia, road, and other similar duties, which may call him from his business and attendance on the said manufactory, during the time that he may be employed therein; any thing contained in any law to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 403.)

For the relief of Benjamin Moore.

WHEREAS, Robert Moore in his lifetime became security for one William Fidler, Preamble. to prosecute an indictment in behalf of the state of Georgia, against one Oran Beckley, for an assault and battery committed on the said William Fidler; that at a term of October, eighteen hundred and ten, of the Superior Court for Richmond county, at which term the said Fidler was recognised to appear, he from sickness was unable to do so, and to prosecute the said indictment in terms of said recognisance, which of consequence was forfeited: the said Robert Moore has since departed this life, and the said Benjamin Moore, who is his legal heir and representative, is in danger of execution for the sum of fifty dollars, the amount for which the said Robert Moore was bound: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the proper authority be, and are hereby required to remit fifty dollars, the penalty Benjamin Moore. incurred by the said William Fidler's failing to appear and prosecute the said Oran Beckley to conviction, in the Superior Court of Richmond county, after cost being paid by said Benjamin Moore.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 404.)

AN ACT

For the relief of William Wilson, Zachariah Bell, and Thomas M'Dade.

Preamble.

WHEREAS, William Wilson was recognised in the sum of one hundred dollars, to appear at a Superior Court held in and for the county of Richmond, in October, eighteen hundred and twelve, for an assault and battery on one Abel Cain, and for the appearance of the said William Wilson, Zachariah Bell and Thomas M'Dade, each bound themselves in a bond of fifty dollars for the appearance of said William Wilson, who appeared the first and second days of said term, and from sickness was unable to give any farther attendance; and on the case being called, and default being made, judgment was entered up against the principal and securities for the sums in which they were severally bound:

The Inferior Court authorized to relieve the persons aforesaid.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the justices of the Inferior Court for the county of Richmond, or a majority of them, be, and they are hereby fully authorized and empowered, if they think proper, to relieve the above named William Wilson, Zachariah Bell and Thomas M'Dade, or either of them, in such sums, or any part thereof, as they may severally stand bound, upon payment of cost.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 405.)

To alter the names of Lorinda Price, Florina Price, and Linson Ebben Price, to that of Lorinda Jackson, Florina Jackson, and Linson Ebben Jackson.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the said Lorinda Price, Florina Price and Linson Ebben Price, shall be known and called by the names of Lorinda Jackson, Florina Jackson, and Linson Ebben Jackson.

Certain names
changed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 406.)

For the relief of Simon Jackson.

WHEREAS, Simon Jackson, of the city of Savannah, has by his petition represented, that he is born of free Indian parents, but has been deprived of privileges which his birth and parentage entitled him to, in consequence of his complexion: *And whereas,* the said Simon Jackson only claims the right of purchasing property, and of disposing of and holding the same, without the interposition of a guardian, and it appearing from the testimony accompanying the petition of said Simon Jackson, that he was born of free Indian parents:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same,* That the said Simon Jackson be, and he is hereby authorized to purchase and hold real

Simon Jackson, authorized to hold and transfer real and personal

(No. 406.) and personal property, and to sell, bequeath, and dispose of the same, as he may think proper and direct, without the aid or interposition of a guardian.

Vested with no other civil right by this act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Simon Jackson shall not be vested with, or claim any other civil right or rights, than is or are specified as aforesaid in this act.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 407.)

AN ACT

For the relief of William S. Lancaster and Clement Lanier.

Preamble.

WHEREAS, it appears upon the petition of the aforesaid William S. Lancaster and Clement Lanier, that they unfortunately became securities for the appearance of one James Lanier, before the Superior Court of Pulaski county, in April term last, who was indicted for the crime of Sabbath-breaking, in the act of card-playing, which said James Lanier failed to appear, and upon such failure, the court proceeded to judgment, in October term last, to the amount of their bonds: for remedy whereof,

William S. Lancaster, and Clement Lanier, relieved from a certain forfeited recognisance.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That the said William S. Lancaster and Clement Lanier be, and they are hereby fully exonerated and discharged from the pain and penalty of said judgment, upon their paying the costs accrued on said indictment, any law to the contrary notwithstanding.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 408.)

For the relief of David Speer.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the justices of the Inferior Court of Greene county, or a majority of them be, and they are hereby fully authorized and required to relieve the above named David Speer, from the payment of the judgment entered against him, as security for the appearance of one David Speer, jun. upon payment of costs.*

David Speer
relieved.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 9th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 409.)

For the relief of John Allen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the justices of the Inferior Court of Morgan county be, and they are hereby authorized, if they think fit, to exonerate John Allen from the payment of the sum of two hundred dollars, the amount of a judgment entered up against him by the Superior Court, on a forfeiture of recognisance, &c.*

John Allen
relieved from
a forfeited re-
cognisance.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 410.)

AN ACT

For the relief of Benjamin Brown.

The right of
the state to a
tract of land in
Randolph
county, relin-
quished to
Benjamin
Brown.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, all that part of the lot or tract of land situate in the nineteenth district of Baldwin, now Randolph county, known by number ninety-seven, so far as the state of Georgia has any claim thereto be, and the same is hereby given up and restored to the said Benjamin Brown.*

SECT. 2. *Be it further enacted, That all laws or any part of laws operating against this law be, and the same are hereby repealed.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 411.)

AN ACT

To relieve and exonerate Samuel Wilkinson from a judgment obtained against him in the Superior Court of Morgan county, August term, 1812.

Preamble.

WHEREAS, the said Samuel Wilkinson, in consequence of having been security for one Nathaniel Wilkinson, has been mulct in damage to the amount of one thousand dollars, in consequence of the non-attendance of the said Nathaniel at a Superior Court of Morgan county, to answer to an indictment for an assault and battery; and inasmuch as the said Samuel is in indigent circumstances:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior Court of said county are hereby authorized and re-*

quired to exonerate from the said judgment the said Samuel Wilkinson, on his paying (No. 411.) all costs that may have accrued in consequence of the said suit; and all officers and other persons are hereby required to discharge the said Samuel on the said condition, any thing to the contrary in anywise notwithstanding. Exonerated from the said penalty.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 412.)

For the relief of John Fielder.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act, John Fielder shall be, and he is hereby exonerated and relieved from the judgment and interest thereon entered against said Fielder in favour of the state of Georgia, on account of his being bail for the appearance of Benjamin Easley at a Superior Court for the county of Clark, to answer to an assault and battery committed by the said Benjamin Easley: *Provided,* the said Fielder shall pay all costs accruing on the said prosecution, any law to the contrary notwithstanding. John Fielder relieved from a judgment.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 413.)

AN ACT

To authorize Batt Wyche to erect a mill on the Oconee river, at Ford's Shoals.

Batt Wyche
authorized to
build a mill
on the Oco-
nee river.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, Batt Wyche is hereby authorized to erect a mill on the south-west side of the Oconee river, at the place known by the name of Ford's Shoals, adjoining lands of the said Batt Wyche: Provided, said mill, nor any part thereof, doth not obstruct the navigation of said river.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 414.)

AN ACT

To change the names of certain persons therein mentioned.

The names of
certain per-
sons changed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That from and immediately after the passing of this act, that Joseph McCay shall bear and be known by the name of Joseph Austin, and that John William Henry Tamplin shall bear and be known by the name of John William Henry Hobson, and that John Charles Villadier shall bear and be known by the name of John Charles Ballias, any law to the contrary notwithstanding.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 415.)

To alter and change the names of certain persons therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, William Cade, of Camden county, shall be known and called by the name of William Hopkins. Certain names changed.

SECT. 2. *And be it further enacted,* That from and after the passing of this act, James Clement, William Clement, Jonathan Clement, and Charles Clement, of Scriven county, shall be called and known by the names of James Platt, William Platt, Jonathan Platt, and Charles Platt.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 20th November, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 416.)

Vesting in Richard Montgomery Dimond certain property therein mentioned.

WHEREAS, it hath been represented to the General Assembly of this state, that Preamble.
Augusta Fisher, widow, (late of the county of Chatham,) did depart this life intestate and without will, leaving no heirs; and whereas, it appears that it was the intention of the said Augusta Fisher to have vested in the aforesaid Richard Montgomery Dimond all her property, real and personal, but died without carrying her intention fully into effect: for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That all the property, real and personal, which did belong to the said Augusta Fisher at the time of her death, be, and the same is hereby vested in the said Richard Montgomery The property of Augusta Fisher, de-

(No. 416.) Dimond: *Provided nevertheless*, that nothing in this act shall be construed so as to prevent the recovery of any just demand which may hereafter be brought against said estate: *And provided*, that nothing herein before enacted shall be so construed as to bar the right of any lawful heir or heirs, if such should hereafter claim the said estate.

ceased, vested
in Richard
Montgomery
Dimond.
Proviso.
Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

(No. 417.)

AN ACT

For the relief of John Boog.

Preamble. WHEREAS, it appears, that John Boog became security for the appearance of one Adam Walsby, and it appearing that the said Walsby did appear at the first term of the court to which he was bound, and from unavoidable circumstances was unable to attend afterwards; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

Penalty to be
remitted. That the justices of the Inferior Court of Camden county be, and they are hereby directed to remit the penalty incurred by the said Adam Walsby's failing to attend.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 2d November, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 418.)

Giving time to John Hardee to pay up money due by him to this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That so much money as is now due by major John Hardee, of Camden county, to this state, as the security of Joseph Crews, tax collector for the years 1805, 6, and 7, in Camden county, shall be paid by him the said major John Hardee, into the treasury of this state, at the following periods, and in the following manner, viz: One third on the tenth day of November, eighteen hundred and fourteen, one third on the tenth day of November, eighteen hundred and fifteen, and the remaining one-third on the tenth day of November, eighteen hundred and sixteen: *Provided*, the said John Hardee gives bond and security to the justices of the Inferior Court of said county, in the amount due, payable to the Governor, or his successors in office, with eight per cent. interest on the sum found to be due.

Indulgence given to John Hardee for money due by him to the state, as the security of John Crews, tax collector for Camden county, during the years 1805, 6, & 7. Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 419.)

For the relief of John D'Antignac, Esq. tax collector for the county of Richmond, for 1812.

WHEREAS, John D'Antignac, Esq. by his petition addressed to the Senate and House of Representatives of this state, has prayed relief in relation to a large sum of money stated to have been stolen from him on the 9th instant, and which sum, amounting to nearly fifteen hundred dollars, was a part of the taxes collected for the county of Richmond, for 1812; and the fact of the loss of said money being confirmed by affidavit:

Preamble.

(No. 419.) *SECT. 1. BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

Time given to John D'Antignac to pay the balance due by him as tax collector for Richmond county, for the year 1812. Proviso.

That the said John D'Antignac, Esquire, be compelled to pay into the treasury of this state, the balance due by him as tax collector for the county of Richmond, for the year 1812, in the separate instalments, to wit: On the fifteenth day of November, 1814, the sum of five hundred dollars; on the fifteenth day of November, 1815, the sum of five hundred dollars; and on the fifteenth day of November, 1816, the balance which shall then be due: Provided, the said John D'Antignac shall give good and sufficient security to his excellency the Governor, for the payment of the aforesaid sums, at the times therein respectively mentioned, which security shall be approved of by the Inferior Court of Richmond county.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 3d December, 1813.

PETER EARLY, GOVERNOR.

(No. 420.)

AN ACT

To vest in and secure to John Willson, of the city of Augusta, his heirs and assigns, for ever, certain property devised and bequeathed to him by John Willson, lately also of the city of Augusta, deceased.

Preamble.

WHEREAS, by the last will and testament of John Willson, Esq. late of the city of Augusta, deceased, certain property, both real and personal, was devised and bequeathed to John Willson, nephew and partner of the testator: *And whereas*, certain technical words, deemed necessary to vest the fee simple and absolute estate in the said devisee and legatee, are omitted in said will: *And whereas*, it appears evident that the testator intended by his said will to create an estate in fee, and absolutely to vest the property in the said John Willson, his nephew:

Certain property vested in John Willson.

SECT. 1. BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all the property, as well real as personal, devised and bequeathed to the said John Willson, by the last will and testament of John Willson, late of Augusta, de-

ceased, shall be, and the same is hereby vested as fully and absolutely in him the said (No. 420.) John Willson, as if words of perpetuity, or words of inheritance had been used and inserted in the will of the deceased, any law, usage or custom, to the contrary notwithstanding.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 421.)

To alter the names of Whitmel Rogers and Reddick Rogers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the aforesaid Whitmel Rogers and Reddick Rogers shall be called and known by the names and style of Whitmel Rutland and Reddick Rutland. Their names changed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 3d November, 1814.

PETER EARLY, GOVERNOR.

(No. 422.)

AN ACT

For the relief of Charles Smith, of Wilkes county.

WHEREAS, Charles Smith, of Wilkes county, became the security of John Darracott, for the collection of Wilkes county tax for the year eighteen hundred and seven ; and whereas, the grand juries of said county, for the January and June terms of the year 1814, and a number of respectable citizens of said county, have petitioned the legislature to release the said Charles from the force and effect of the said bond, and the said Charles having presented his petition for that purpose ; and whereas, the said matter exclusively concerns the said county of Wilkes :

Charles Smith
released from
his security-
ship of John
Darracott.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court of Wilkes county be, and they are hereby authorized to release Charles Smith, security for John Darracott, collector of the county tax of said county, from the tenor of his bond : *Provided*, they in their discretion think proper.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 3d November, 1814.

PETER EARLY, GOVERNOR.

(No. 423.)

AN ACT

For the relief of James Tapley.

Preamble.

WHEREAS, it appears from the petition of the said James Tapley, and others of the inhabitants of Montgomery county, that the said James Tapley unfortunately became security for the appearance of one Darling Glover, before the Superior Court of the county of Montgomery, for which he gave his bond to the amount of one hundred dollars, and notwithstanding the said Glover made his appearance, and was discharged from the prosecution, on payment of the costs, which he failed to do, therefore judgment was entered against the said Tapley for the amount of his bond :

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the said James Tapley is hereby fully and completely exonerated and discharged from said judgment, on payment of all costs on said judgment, any law to the contrary notwithstanding.

James Tapley
exonerated
from a judgment.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 424.)

For the relief of the heirs and representatives of John Kennon, deceased.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court of the counties of Putnam and Baldwin, are hereby authorized to release the heirs of John Kennon from all the penalties of a bond given by him, during his lifetime, for the building and keeping in repair a bridge across Little river, at Mullin's ford, any law to the contrary notwithstanding.

The heirs, &c.
of John Kennon,
deceased,
released from
a bond given
by him for
building, &c.
a bridge across
Little River.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

(No. 425.)

AN ACT

To alter and change the name of Eliab Hodgens to that of Eliab Jones.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
 Name altered. That from and after the passing of this act, Eliab Hodgens shall be called and known by the name of Eliab Jones.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

(No. 426.)

AN ACT

To alter the names of Aden Moss to that of Aden Powell, and William Henry Braziel, Henry William Braziel, and Ambrose Ransom Braziel, to that of William Henry Wright, Henry William Wright, and Ambrose Ransom Wright, and James West, to that of James Heard.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
 The names of certain persons altered. That from and immediately after the passing of this act, Aden Moss shall be called and known by the name of Aden Powell, and William Henry Braziel, Henry William Braziel, and Ambrose Ransom Braziel, by the names of William Henry Wright, Henry William Wright, and Ambrose Ransom Wright, and James West by the name of James Heard.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 427.)

To relieve and exonerate William O. Whitney and Nathaniel Payne, from their bond or recognisance given to prosecute an indictment, in behalf of the state of Georgia, against Farly Thompson.

WHEREAS, William O. Whitney, principal, and Nathaniel Payne, his security, on the twenty-ninth day of May, eighteen hundred and eight, gave their bond or recognisance in the sum of five hundred dollars, conditioned to prosecute an indictment against Farly Thompson; and whereas, an indictment was duly preferred at October term, eighteen hundred and eight, and at April term, eighteen hundred and nine, the prisoner Farley Thompson, arraigned and plead not guilty; and whereas, it appears that the prosecutor attended every court pending the indictment, up to the term at which *nole prosequi* was entered, and at which term the said recognisance was forfeited:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the said William O. Whitney and Nathaniel Payne be, and they are hereby exonerated and discharged from their said bond or recognisance, on paying the fees of court; and on the payment of said fees, it shall be the duty of the solicitor general in the western district, to cause satisfaction to be entered on record, and the recognisance delivered up to the said William O. Whitney.

William O.
Whitney and
Nathaniel
Payne reliev-
ed from a for-
feited recog-
nizance.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 428.)

AN ACT

For the relief of John Moore, of Jasper county.

A fine on
John Moore
set aside.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the fine imposed on John Moore, of Jasper county, by his honour Judge Harris, at February term, 1815, be, and the same is hereby annulled and set aside.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 429.)

AN ACT

For the relief of Elisha Wright.

Preamble.

WHEREAS, Elisha Wright, of the county of Putnam, in the year 1812, became security for the appearance of one James Pitman at the Superior Court of Hancock county, at February term 1812; and at February term 1813, the recognisance of the said Elisha Wright and James Pitman was forfeited; at August term 1815, a *sci. fa.* issued against the said Elisha Wright, and a verdict was rendered against him for one thousand dollars, with costs; and whereas, the said Elisha Wright hath petitioned this legislature, praying that he may be released from the payment of his said recognisance, on condition that he, the said Wright, shall deliver the body of the said James Pitman, to the proper officer of Hancock county, on or before the last day of the term of the Superior Court of said county, in August, 1816.

Proceedings
against said
Wright to be
suspended.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That all further proceedings against the said Elisha Wright, on account of his said recognisance, be suspended until the last day of the term of the Superior Court of said county, in August, 1816.

SECT. 2. *And be it further enacted*, That the said Elisha Wright be, and he is hereby exonerated from the payment of his said recognisance: *Provided*, he shall deliver to the proper officer of Hancock county, the body of the aforesaid James Pitman, on or before the last day of the term of the Superior Court of said county, in August, 1816.*

(No. 429.)
Exonerated
from his re-
cognisance.
Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 430.)

To pardon Agness Hogg, alias Agness Yates.

WHEREAS, at a Superior Court held in and for the county of Putnam, for September term, in the year of our Lord, one thousand eight hundred and sixteen, a certain Agness Hogg, alias Agness Yates, of the county aforesaid, was convicted of the crime of murder, and was sentenced by the court to be executed on Friday the twenty-seventh of the same month; but on the petition of sundry persons, principally inhabitants of the county of Putnam aforesaid, to his excellency the Governor, praying a respite for the said Agness Hogg, alias Agness Yates, the same was granted until Wednesday, the fourth day of December next:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and immediately after the passing of this act, the said Agness Hogg, alias Agness Yates, shall be, and she is declared to be fully and entirely pardoned,

Pardon.

* See act of 1816, No. 437, on the same subject.

(No. 430.) exonerated and discharged from the pains and penalties of her said conviction, as though she never had committed the said offence.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 21st November, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 431.)

AN ACT

To pardon Robert McManus, of the county of Richmond.

Preamble.

WHEREAS, at a Superior Court holden in and for the county of Richmond, at October term last past, Robert McManus, of said county, was found guilty of the murder of one William McLaughlin, and received sentence of death, to be executed on Friday the 29th of the present month, November; and whereas, a number of respectable inhabitants of said county, (and particularly the foreman and others of the jury who were on the trial,) have petitioned the General Assembly to pardon the said Robert McManus:

Pardon.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the said Robert McManus be, and he is hereby declared to be freely, fully and entirely pardoned, exonerated and discharged, from the pains and penalties of his said conviction and sentence, as fully, freely and entirely, as if such conviction and sentence had never taken place, or the offence been committed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 21st November, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 432.)

To vest in Esther Johnson and James Johnson, their heirs and assigns, all the property, both real and personal, of which one Elisha Brothers, deceased, late of Warren county, died possessed.

WHEREAS, it appears to this legislature, from sundry documents, that Elisha Brothers, deceased, late of Warren county, died possessed of certain real and personal property, and from sundry affidavits, that one Esther Johnson is the illegitimate half-sister of the said Elisha Brothers, and that one James Johnson is the illegitimate half-brother of the said Elisha Brothers, and that the said Elisha Brothers, Esther Johnson and James Johnson, are all children of the same mother, and that the said Elisha Brothers, in his last illness, as he had often done before, acknowledged the relationship heretofore stated, between himself, the said Esther Johnson and James Johnson, and also expressed his wishes that the said Esther Johnson and James Johnson should inherit, possess and enjoy his estate, real and personal: Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That all the estate, both real and personal, of the said Elisha Brothers, which he died possessed of, or was entitled to in this state, shall go to and be vested in the said Esther Johnson and James Johnson, their heirs and assigns, share and share alike, to hold to them, their heirs and assigns, for ever; subject, nevertheless, to the payment of all the just debts due and owing from the estate of the said Elisha Brothers.

The property of Elisha Brothers, deceased, vested in Esther Johnson and James Johnson.

SECT. 2. *And be it further enacted,* That all suits or proceedings in law or equity, in which this state may be a party, touching the said estate, real and personal, of the said Elisha Brothers, under or by virtue of the escheat laws of this state, shall cease, determine and be utterly null and void, any thing in the said escheat laws contained to the contrary notwithstanding.

Suits under the escheat laws, touching said estate, shall cease.

SECT. 3. *And be it further enacted,* That no part or parts of the before recited sections of this act, shall be so construed as to exempt the said Esther Johnson and James Johnson, their heirs and assigns, from the payment of such costs as may have already accrued, or shall hereafter accrue in the settlement of the said estate, or to release the

Said Esther and James Johnson liable for costs, and the escheator's commissions.

(No. 432.) said estate from the payment of such commissions, as by the law the escheator of the county or counties in which the said estate may be situated is entitled to receive.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate,

Assented to, 28th November, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 433.)

AN ACT

To alter and change the names of John W., Samuel, and Thomas Y. Myrick, to that of John W., Samuel and Thomas Y. Berry.

BE it enacted by the Senate and House of Representatives of the state of Georgia,
The names of in General Assembly met, and it is hereby enacted by the authority of the same, That
certain per- from and immediately after the passing of this act, the names of John W. Myrick,
sons changed. Samuel Myrick, and Thomas Y. Myrick, be changed and altered to that of John W.
Berry, Samuel Berry, and Thomas Y. Berry.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 434.)

To vest the interest of this state to certain property therein named, in the heirs of Adam Ross, late of Greene county, deceased.

WHEREAS, Elisha Hall, late of Greene county, deceased, did intermarry with Preamble Elizabeth Ross, a daughter of Adam Ross, late of Greene county, in the lifetime of a former wife, with whom the said Elisha Hall had intermarried in the state of South Carolina, and from whom he had never been divorced: and whereas, during such his illegal connection with the said Elizabeth Ross, he had born unto him, of the said Elizabeth Ross, a son called and known by the name of John Adam Hall, who by the laws of this state was a bastard: and whereas, the legal wife of the said Elisha Hall, having departed this life in the lifetime of the said Elizabeth Ross, and after the birth of the said John Adam Hall, the said Elisha Hall soon thereafter intermarried with the said Elizabeth Ross, in due form and according to the laws of this state, and by such his intermarriage with the said Elizabeth, acquired a considerable estate, both real and personal, to wit: Seven negroes, named Cardis and her children, Celia, August, Rachael, Hannah and her children Sampson and Eliza, from the labour of whom he was enabled to acquire the tract of land whereon the said Elisha Hall lived at the time of his death, in the county of Greene, and considerable stock, plantation tools, household and kitchen furniture, waggons and stills, and other property: and whereas, the said Elisha Hall departed this life, having first executed his last will and testament, wherein and whereby he devised and bequeathed to his illegitimate son, by the name of John Adam Hall, as well as the negroes acquired by his intermarriage with the said Elizabeth Ross, as also all the land of which he was possessed in the county of Greene, with the crop thereon, as also his plantation tools, waggon, still, household and kitchen furniture, &c. as in and by the last will and testament will more fully appear: and whereas, the said John Adam Hall, the legatee in the said will, after the death of the said Elisha Hall, also departed this life, a minor and intestate, whereby the whole of the estate bequeathed to him, in and by the said will and testament, escheats to this state: and whereas, it appears that the said Elisha Hall, in and by his said will, hath made ample provisions for his children by his first marriage, and that the property bequeathed and devised to the said John Adam Hall was such, and the proceed thereof, as was acquired by his marriage with the said Elizabeth, the mother of the said John Adam Hall, and that the heirs of Adam Ross, deceased, are the next of kin of the said Elizabeth, to whom in justice and equity the property aforesaid ought to descend and be vested in:

ment of the costs aforesaid, it shall be the duty of the sheriff of Jasper county to enter satisfaction in full on said execution. (No. 435.)

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 436.)

To alter and change the names of certain persons therein named.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, that Mary Ann Walder, Sarah Ann Walder, Minton Streeter Walder, and Bradford Walder, shall be called and known in law by the names of Mary Ann Jones, Sarah Ann Jones, Minton Streeter Jones, and Bradford Jones; and Lockhart Spring shall be called and known in law by the name of Lockhart Anderson. The names of certain persons altered.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 437.)

AN ACT

For the relief of Elisha Wright.

Preamble.

WHEREAS, Elisha Wright, now of the county of Jones, in the year one thousand eight hundred and twelve, became security for the appearance of one James Pittman, at the Superior Court of Hancock county, at February term, 1812, and at February term, 1813, the recognisance of said Elisha Wright and James Pittman was forfeited; at August term, eighteen hundred and fifteen, a *sci. fa.* issued against said Elisha Wright, and a verdict was rendered against him for one thousand dollars, with cost: And whereas the said Elisha Wright hath petitioned this legislature, praying that he may be released from the payment of his recognisance: And whereas, the said Elisha Wright hath shown to the satisfaction of this legislature, that he hath pursued and apprehended the body of the said James Pittman, and delivered him up to the sheriff of Hancock county:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Elisha Wright shall be fully and clearly exonerated and discharged from the payment of the said recognisance entered into by him the said Elisha Wright and James Pittman, any law to the contrary notwithstanding.

Elisha Wright
exonerated
from a forfeit-
ed recogni-
sance.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 438.)

To alter and change the names of certain persons therein named.

BE it enacted by the General Assembly of the state of Georgia, and it is hereby enacted by the authority of the same, That from and after the passing of this act John Smith shall be known and called by the name of John Hudson, Sarah Smith shall be called and known by the name of Sarah Hudson, James Smith shall be called and known by the name of James Hudson, Sherod Smith shall be called and known by the name of Sherod Hudson, Mary Smith shall be called and known by the name of Mary Hudson, and James Hawthorn shall be called and known by the name of James Dukes.

The names of certain persons altered.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 439.)

To pardon Benjamin Paden.

WHEREAS, at a Superior Court held in and for the county of Camden, for October term, in the year of our Lord eighteen hundred and seventeen, a certain Benjamin Paden, of the county aforesaid, was convicted of the crime of murder, and was sentenced by the court to be executed on Friday, the 28th of the present month; but on the petition of sundry persons, principally inhabitants of Camden county, to this legislature, added to the oppressive circumstances of the case, the committee appointed reported the following bill:

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act, the said Benjamin Paden

Pardon.

(No. 439.) shall be, and he is hereby declared to be fully and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as though he never had committed the offence.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th November, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 440.)

AN ACT

For the benefit and relief of Josiah Stewart.

Josiah Stewart relieved from the payment of a judgment entered against him as security for the appearance of John Langley.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior Court of Jackson county be, and they are hereby authorized, if they see proper, to release Josiah Stewart from the payment of the judgment entered against him in the Superior Court of Jackson county, as security for the appearance of one John Langley, upon the payment of all costs.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 441.)

Giving time to the securities of William Scott, tax collector for the county of Camden, to pay money due by them to the state.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That so much money as is now due by the securities of William Scott, tax collector of Camden county for the years eighteen hundred and thirteen and eighteen hundred and fourteen, be, and they are hereby allowed until the first Monday in January, eighteen hundred and nineteen, to pay the same into the treasury of this state, they paying legal interest to the state.

Indulgence
given to the
securities of
William Scott,
tax collector
of Camden
county.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 442.)

To quiet the claim of Christian David Lebey to the estate of which John Anderson died seised or possessed.

WHEREAS, John Anderson, late of the city of Savannah, baker, died intestate, possessed of certain property in said city, and leaving no issue of his marriage with Mary Judith Lebey, mother of Christian David Lebey, and former relict of Andrew Lebey, late of Savannah, deceased: And whereas, the said Christian David Lebey hath made it satisfactorily to appear, by indisputable vouchers, that said property originally came from his said father, the late Andrew Lebey, on whose estate the late Mary J. Lebey administered; and that the same was increased by the laborious exertions and frugality of his said deceased mother; and that it was the intention of the said John Anderson to have made a competent provision for the support of Christian D. Lebey and his family; and there is every reason to believe that his sudden death prevented the fulfil-

Preamble.

(No. 442.) ment of his said intention : And whereas, the said John Anderson died a citizen of the United States, and that the whole estate of the said Anderson Lebey fell into his hands, no part of which the said Christian D. Lebey had ever received :

The claim of the state to certain property subject to escheat, relinquished to Christian D. Lebey.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, all the estate and property, both real and personal, of which said John Anderson died seised or possessed, is hereby vested, so far as the state is or may hereafter become interested, in the said Christian D. Lebey, for and during the term of his natural life ; and after his death, to his children now lawfully begotten, and that hereafter may be begotten by said Christian D. Lebey ; subject, however, to the just debts of the said John Anderson and the said Andrew Lebey, and of the expenses incurred with the prosecution of the claim, stated in the petition of the said Christian D. Lebey.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 11th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 443.)

AN ACT

For the relief of Benjamin Starrett.

Preamble.

WHEREAS, Benjamin Starrett, at the Superior Court of Franklin county, April term, 1817, entered himself as security for the appearance of Farley Thompson, against whom the grand jury of said county had found a true bill for an assault : And whereas, the said Farley Thompson failed to appear, in consequence of which the recognisance of said Benjamin Starrett, as security as aforesaid, for the sum of three hundred dollars :

Said Starrett exonerated from a forfeit-

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the said Benjamin Starrett, immediately after the passing of this act, is hereby discharged from the payment of the judgment and execution aforesaid, on the payment*

of costs of suit; and on the payment of the costs aforesaid, it shall be the duty of the (No. 443.)
 sheriff of Franklin county to enter satisfaction in full on said execution. ed recogni-
 sance.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 444.)

For the relief of Edward Pate.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the said Edward Pate shall be entitled to the one half of a lot of land, situate, lying and being in the (now) county of Morgan, formerly Baldwin county, in the fourth district, lot number three hundred and eighteen, which has been recovered and reverted to this state, under and by virtue of an information or scire facias, in the name of Thomas Davis, in the Superior Court of Morgan county, against said Edward Pate.

One half of a lot of land in Morgan county recovered by the state, vested in Edward Pate.

SECT. 2. *And be it further enacted, That the said Edward Pate, his heirs or assigns, shall be entitled to all right, title or interest in and to the one half of said lot of land, which the state of Georgia acquired by virtue of the information or scire facias, in the name of the said Thomas Davis, in the same manner as if said proceeding had not taken place, or any recovery thereon had, any law to the contrary notwithstanding.*

The right of the state relinquished to him.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 445.)

AN ACT

To vest in Jane Hillis and her heirs certain property therein mentioned.

Preamble.

WHEREAS, it has been represented to the legislature, that Andrew Graves, a native of Ireland, did depart this life intestate, and without heirs in America: And whereas, it appears to have been the intention of said Andrew to bequeath what property he possessed to Jane Hillis, of Burke county, and her heirs, but was prevented, by the severity of disease and sudden death, from so doing:

Certain property of Andrew Graves, deceased, vested in Jane Hillis, &c.
Proviso.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the property which did belong to the said Andrew Graves at the time of his death, be, and the same is hereby vested in Jane Hillis and her heirs: *Provided*, that nothing in this act shall be so construed as to prevent the recovery of any just demand which may be brought against the estate of said Graves: *And provided also*, that nothing herein enacted shall be construed so as to bar the right of any lawful heir, if such should hereafter claim said estate.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 446.)

AN ACT

To alter the names of certain persons therein mentioned.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, Thomas Laurens Appling Coulter, shall be called and known by the name of Thomas Laurens Appling Mills; John Richardson shall be called and known by the name of John Hamilton Richardson; Ira Wester shall be called and known by the name of Ira Neal; Robert William, Johnson, Joseph,

The names of certain persons altered.

Lovely, Jackson and Polly Cordery, shall be called and known by the names of Robert, William, Johnson, Joseph, Lovely, Jackson and Polly Rogers : Greene B. Hern shall be called and known by the name of Greene B. Neill : Jabez Curry shall be called and known by the name of Jabez Jemison ; and James Felts shall be called and known by the name of James Mason. (No. 446.)

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 447.)

To change the names of Samuel Paine, Jane Paine, Willis Paine and Thompson Paine, to that of Samuel Wood, Jane Wood, Willis Wood and Thompson Wood, and to adopt the same as the children of Matthew Wood ; and for the relief of Ellender Salter, Hampton Wade and Solomon Wade.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and immediately after the passing of this act, Samuel Paine, Jane Paine, Willis Paine and Thompson Paine, minors, reputed children of Matthew Wood, be adopted as the legal children of said Matthew Wood, capable of inheriting any property which the said Matthew Wood may die possessed of, in the same manner as though the said Samuel, Jane, Willis and Thompson had been born in lawful wedlock. Certain children of Matthew Wood legitimated.

SECT. 2. *And be it further enacted,* That they, and each of the said minors, shall hereafter be known by the names of Samuel Wood, Jane Wood, Willis Wood and Thompson Wood. Their names altered.

SECT. 3. *And be it further enacted,* That Ellender Salter, of the county of Emanuel, a minor, be hereafter called and known by the name of Ellender Douglass. Ellender Salter's name changed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, Hampton Wade and Solomon Wade, sons of John W. Wade, Certain persons born out of wedlock, legitimated.

(No. 447.) born of the body of Jerusha Taylor, previous to the intermarriage of the said John W. Wade and Jerusha Taylor, shall be entitled to all the rights and privileges which they could have enjoyed had they been born in lawful wedlock.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 448.)

AN ACT

To pardon Rebecca Wootten, alias Rebecca Eaton.

Preamble.

WHEREAS, at a Superior Court held in and for the county of Jackson, at September term, in the year of our Lord eighteen hundred and eighteen, a certain Rebecca Wootten, alias Rebecca Eaton, was convicted of the crime of murder, and received sentence of death, to be executed on the 30th day of October, in the year eighteen hundred and eighteen, but on the petition of sundry persons, inhabitants of said county, and others, to his excellency the Governor, praying a respite for the said Rebecca, which was granted until the twentieth day of November, instant:

Pardon.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the said Rebecca Wootten, alias Rebecca Eaton, be, and she is hereby declared to be fully and entirely pardoned, exonerated and discharged from the pains and penalties of her said conviction.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 9th November, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 449.)

To pardon Thomas Bassett.

WHEREAS, at a Superior Court held in and for the county of M^cIntosh, for April Preamble.
term, in the year eighteen hundred and eighteen, a certain Thomas Bassett was convicted of the crime of murder, and received sentence of death, to be executed on the first day of May, in the said year eighteen hundred and eighteen, but on the petition of sundry persons, inhabitants of said county, and others, to his excellency the Governor, praying a respite for the said Thomas Bassett, which was granted until the twenty-fifth of November next :

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Asembly met, and by the authority of the same, That from and immediately after Pardon.
the passing of this act, the said Thomas Bassett be, and is hereby declared to be fully and entirely pardoned and exonerated, and discharged from the pains and penalties of the said conviction.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 13th November, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 450.)

AN ACT

To alter and change the name of Betsey Duke to that of Betsey Duhart.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in
Name altered. *General Assembly met, and it is hereby enacted by the authority of the same, That from*
and immediately after the passing of this act, Betsey Duke, an illegitimate child of
Sally Duke, shall be called and known by the name of Betsey Duhart.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 451.)

AN ACT

For the relief of Alexander Gordon.

Preamble.

WHEREAS, Alexander Gordon has petitioned this legislature, praying that the state would convey to him her interest in and to one lot of land lying in the twenty-third district old Baldwin, (now Jasper county,) which was drawn by him in the last lottery, and which was recovered of him by information as a fraudulent drawer: And whereas, it further appears, from the petition of said Alexander Gordon, that he has resided in the state of Georgia from the time he was eleven or twelve years of age to the present period, and was deprived of said tract of land by not having taken the oath of citizenship in time, and his ignorance of the alteration of the law changing the time of holding the Superior Court in said county of Jasper; and the state having previously disposed of her interest in and to the said tract of land, and therefore cannot convey her title to said Gordon:

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the said Alexander Gordon be, and he is hereby excepted from the general provi-

sions of an act disposing of the lands lately acquired from the Creek and Cherokee Indians, in regard to the oath prescribed to be taken by all persons who may give in their names for a draw, and said Alexander be permitted to give in without swearing that he has not been a fortunate drawer in either of the land lotteries heretofore passed, and that he be placed in the same situation as if he had not been heretofore a fortunate drawer, any law to the contrary notwithstanding.

(No. 451.)
Alexander Gordon's disabilities to put in for a draw in the land lottery, removed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 452.)

To authorize John S. Glascock, Thomas E. Burnside, George McDuffee and William D. Martin to plead and practice in the several courts of law and equity within the state.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, the said John S. Glascock, Thomas E. Burnside, George McDuffee, and William D. Martin, of the state of South Carolina, be, and they are hereby permitted and allowed to practice in the several courts of law and equity within this state, as attornies, solicitors and proctors, any law, usage or custom to the contrary notwithstanding, on their producing the usual certificates, and undergoing the examination required by law.

Said persons permitted to practice in this state as attornies, &c.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 453.)

AN ACT

For the relief of Anderson Hicks and Jeter Hicks, of Elbert county.

Preamble.

WHEREAS, the said Anderson Hicks and Jeter Hicks, of said county of Elbert, did some months ago introduce into this state five negro slaves, the property of said Anderson and Jeter, and have made an entry of them in the office of the clerk of the Superior Court of said county of Elbert, agreeable to the law passed on said subject, passed the 20th December, eighteen hundred and seven; And whereas, the said Anderson and Jeter Hicks, have by petition stated, that they are not the owners of any real estate, and have petitioned for relief from the provisions of said act, and have prayed that they may be permitted to hire out said slaves:

Anderson and
Jeter Hicks
permitted to
hire certain
negroes, not-
withstanding
a prohibitory
act of 1817.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Anderson and Jeter Hicks be, and they are hereby authorized to hire out for their own use said slaves, for any period of time not exceeding one year; and that they be, and are hereby exonerated from the penalties of said law, so far as regards the hiring of said negroes for the period aforesaid, any law now in force to the contrary notwithstanding.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 454.)

For the relief of Francis Williamson.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted, That the justices of the Inferior Court of the county of Wilkinson shall be, and they are hereby authorized, (if they think proper so to do,) to release the above named Francis Williamson from the penalties which he has incurred in consequence of his failing to deliver Darson O. Bannon, agreeable to his recognisance, at April term, in the year 1812, on his paying costs.

The Inferior Court of Wilkinson, authorized to relieve Francis Williamson from certain penalties.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 455.)

To transfer unto Harriet L. Wardrobe, (widow of the late colonel William Wardrobe, a deceased alien,) and her heirs and assigns, all the right and title of the state to a certain tract of land on the island of St. Simons, in the county of Glynn.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That from and immediately after the passing of this act, that all the right, title or interest of the state of Georgia, to a certain tract of land, containing seven hundred acres, on the island of St. Simons, in the county of Glynn, said to be sold by Thomas Young, Esquire, of Savannah, to one colonel Wardrobe, an alien, since deceased, be, and the same is hereby transferred and vested in Harriet L. Wardrobe, (widow of the said colonel William Wardrobe,) her heirs and assigns for ever.

Certain property vested in Harriet L. Wardrobe.

(No. 455.) REPEALING clause. SECT. 2. *Be it further enacted*, That all laws or parts of laws repugnant to or militating against this be, and the same are hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 456.)

AN ACT

To legitimize Bramleigh Bedgood, and to change her name to that of Martha Bramleigh Wynne.

Bramleigh
Bedgood le-
gitimated.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Bramleigh Bedgood, an illegitimate child of Mary Bedgood and R. W. W. Wynne, be, and she is hereby made and declared legitimate, so far as to entitle her to all the rights and privileges which she would have had, had she been born in lawful wedlock, and that she be put upon the same footing, in every respect, as any other child or children which the said R. W. W. Wynne may now, or at any future time have.

Her name
changed.

SECT. 2. *And be it further enacted*, That the name of Bramleigh Bedgood be, and the same is hereby declared to be changed to that of Martha Bramleigh Wynne.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 457.)

For the relief of Catharine M^cMurphy, formerly Catharine Bransford, and daughter of James Bransford, of Clark county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, it shall be the duty of his excellency the Governor, to cause to be entered on the list of persons entitled to draws returned by Ransom Nichols and George Y. Farrar, Esquires, in major Newton's battalion, and county of Clark, the name of Catharine M^cMurphy, who shall be as justly and legally entitled to any land she may draw in the contemplated land lottery, as if her name had been entered in the usual manner, any law to the contrary notwithstanding.

Catharine
M^cMurphy
entitled to a
draw in the
land lottery.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 29th November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 458.)

For the relief of William G. Springer.

WHEREAS, it appears by the presentments of the grand jury of the county of Hancock, at August term, 1819, that the receiver of tax returns made a mistake, in setting down the amount of change bills returned by William G. Springer, as taxable for the year eighteen hundred and eighteen, whereby he stands charged with the tax on eleven hundred dollars, instead of one hundred and twenty dollars, the sum actually returned; wherefore,

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the treasurer be, and he is hereby authorized and required to remit to William G. Springer, who was so much

\$24 50 cts. to be refunded to said Springer, who was so much

(No. 458.) Springer the sum of twenty-four dollars and fifty cents, that being the amount of state tax overcharged by the receiver of tax returns.

The Inferior Court of Hancock county authorized to refund to him \$14 70 cts. his county tax being so much overcharged.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Inferior Court of the county of Hancock be, and they are hereby authorized and required to remit to William G. Springer the sum of fourteen dollars and seventy cents, it being the amount of county tax overcharged by the receiver of tax returns.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 459.)

AN ACT

For the relief of John Ruis.

Preamble.

WHEREAS, it appears from the petition of the said John Ruis, and others of the inhabitants of the county of Emanuel, that the said John Ruis unfortunately became security for the appearance of one Henry Turner, before the Superior Court of the county of Emanuel, for which he gave his bond to the amount of one thousand dollars; and notwithstanding the said Henry Turner and his prosecutor came to an understanding, and neither of the parties attended court, and the warrant was returned to the attorney-general, therefore judgment was entered against the said John Ruis for the amount of his bond:

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the said John Ruis is hereby fully and completely exonerated and discharged from said judgment on his bond, on payment of all costs incurred by the courts giving said judgment, any law to the contrary notwithstanding.

John Ruis exonerated from a forfeited recognisance.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 460.)

To pardon Johnathan Evers, of the county of Effingham.

WHEREAS, at a Superior Court holden in and for the county of Effingham, at April term last past, Johnathan Evers, of said county, was found guilty of the murder of one James Jones, and received sentence of death, to be executed on Friday, the twenty-eighth day of May thereafter : And whereas, a number of respectable inhabitants of said county have petitioned the General Assembly to pardon the said Johnathan Evers :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the said Johnathan Evers be, and he is hereby declared to be freely, fully and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction and sentence, as fully, freely and entirely as if such conviction and sentence had never taken place, or the offence been committed. *Provided nevertheless,* that the said Johnathan Evers shall not be discharged until he shall have paid all costs that may have accrued relative to his conviction and confinement.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 13th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 461.)

To vest in Augustine Lewis a legacy left him by his deceased father.

WHEREAS, John Lewis, by his last will and testament, did convey to William Lewis, for the maintenance of Augustine Lewis, a certain portion of property, the said Augustine being at that time in a state of separation from his family : And whereas,

(No. 461.) the said Augustine has again become reunited with his family, and is desirous to receive his legacy, and William Lewis the trustee consenting thereto:

Vesting
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the said legacy, in and by the will aforesaid conveyed to William Lewis in trust, or for the maintenance of the said Augustine Lewis, be, and the same is hereby vested in the said Augustine Lewis, his heirs and legal representatives.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 462.)

AN ACT

To alter and change the names of certain persons therein named.

The names of
certain per-
sons altered.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the name of James Harp McCullens, of the county of Laurens, be, and the same is hereby altered and changed to that of James Harp.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the name of Andrew Jackson Culpepper, of the county aforesaid, the reputed child of Ransom E. Deen, be, and the same is hereby altered to that of Andrew Jackson Deen.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the name of Nancy Robson, of Wayne county, be changed from that of Nancy Robson to that of Nancy Dredding.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the name of Jesse (No. 462.) Bird, of Wayne county, be changed to that of Jesse Davis.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 463.)

To pardon John Slasser, of the county of Effingham.

WHEREAS, at a Superior Court holden in and for the county Effingham, at November term, 1818, John Slasser, of said county, was found guilty of the murder of his wife, Mrs. Slasser, and received sentence of death, to be executed on Friday the 8th day of January, 1819; and upon the petition of a number of the respectable inhabitants of said county, the General Assembly, at their session in eighteen hundred and eighteen, deferred the execution of said Slasser, until their next session:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the said John Slasser be, and he is hereby declared to be freely, fully and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction and sentence, as fully, freely and entirely as if such conviction and sentence had never taken place, or the offence been committed: *Provided nevertheless,* that the said John Slasser shall not be discharged until he shall have paid all costs that may have accrued relative to his conviction and confinement.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 16th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 464.)

AN ACT

For the relief of Betsey Stewart, of Jasper county, (captain Abner Bartlet's district,) and Lydia Williamson, of the county of Emanuel.

Betsey Stewart entitled to a draw in the land lottery.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the said Betsey Stewart shall be entitled to two draws in the land lottery, and that the executive of this state shall cause her name so to be enrolled upon the book of names returned to that office from the district aforesaid.

The land which she may draw, how disposed of.

SECT. 2. *And be it further enacted,* That any land which may be drawn by the said Betsey Stewart be, and the same is hereby secured to the said Betsey and her two daughters, Louisa and Mary, to be sold or otherwise disposed of by the said Betsey Stewart, for the benefit of herself and her daughters aforesaid, free from any control that the husband of the said Betsey Stewart may at any time attempt to exercise in regard thereto.

Lydia Williamson entitled to two draws.

SECT. 3. *And be it further enacted,* That the executive of this state shall cause the name of Lydia Williamson, of the county of Emanuel, to be enrolled upon the book of names returned to the executive office from the county of Emanuel, for two draws in said land lottery.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 465.)

For the relief of William Williams.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior court of the county of Jones shall be, and they are hereby authorized, if they think proper so to do, to release the above named William Williams from the penalties which he has incurred, in consequence of his failing to deliver Melchi Wadsworth, agreeable to his recognisance at August term, eighteen hundred and nineteen, on his paying costs.

The Inferior Court of Jones county may exonerate William Williams from a recognisance.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 466.)

For the relief of Benjamin Cole and Exum Webb.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the justices of the Inferior Court of Wilkinson county shall be, and they are hereby authorized to release the said Benjamin Cole and Exum Webb from the penalties incurred in consequence of their failing to produce the body of Ezekiel Cole before the honourable the Superior Court of Wilkinson county, agreeable to the terms of their recognisance, entered into at October term,*

Benjamin Cole and Exum Webb exonerated from the penalties of a certain recognisance.

(No. 466.) eighteen hundred and eighteen, on their paying all costs which shall have accrued on the same.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

(No. 467.)

AN ACT

To alter and change the name of Seney Crumbley to that of Seney Mitchell, and to make her the legal heir of Isaac Mitchell.

The name of
Seney Crum-
bley changed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the name of Seney Crumbley, the reputed illegitimate daughter of Isaac Mitchell, of Wilkinson county, shall be, and the same is hereby altered and changed to that of Seney Mitchell, by which name she shall hereafter be known and called.

Said person
legitimated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Seney Mitchell shall be, and she is hereby put upon an equal footing in law with the other children of the said Isaac Mitchell, and entitled to the same advantages and privileges in law, as if she were to all intents and purposes the lawfully begotten child of the said Isaac Mitchell, any law, usage or custom to the contrary notwithstanding.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

RENTS.

AN ACT

1811.

(No. 468.)

To point out the mode for the collection of Rents.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passage of this act, it shall and may be lawful for any person who may hereafter have rent due, where the same does not exceed thirty dollars, to make application to any justice of the peace within the district where his, her or their tenant may reside, and obtain from such justice a distress warrant for the sum claimed to be due, on oath in writing, for the said rent, and the same may be levied, by any constable duly qualified, on any property belonging to the said tenant, and shall advertise and sell the same, under the same rules and regulations as other sales under execution; and where any distress shall issue for a sum exceeding thirty dollars, it shall be levied by the sheriff of said county, advertised and sold, as in cases of other executions: *Provided nevertheless,* that the party distrained shall be entitled to replevy the goods so distrained, by making oath that the sum, or some part thereof distrained for, is not due, and give security for the eventual condemnation money; and in that case it shall be the duty of such officer to return the same to the court having cognisance of the same, and the same shall be determined by a jury, as practised in other cases of claims.

Distress warrants for rent, where the sum due does not exceed \$30, regulated.

When the distress is for more than \$30, it shall be levied, &c. by the sheriff.

Proviso. Goods distrained, how replevied.

SECT. 2. *And be it further enacted,* That where property may be distrained and claimed by a third person, the same shall be claimed on oath, and shall be returned, tried and determined, in like manner and under the same rules and regulations as are by law pointed out for the trial of the right of property.

Claims, how made, tried, &c.

(No. 468.) SECT. 3. *And be it further enacted*, That in no case a preference shall be given to persons distraining for rent, where there are any judgments against the person or property so distrained.

No distringas shall have a preference to previous judgments.

When a tenant holds possession after the end of his lease, double rent recoverable, &c.

SECT. 4. *And be it further enacted*, That where any tenant shall refuse to give possession of the premises at the end of his lease, it shall be lawful for the person leasing the same to demand of such tenant, monthly, double the sum that the same was leased for, and may recover the same, at the expiration of every month, or in the same proportion for a longer or shorter time, by distress, in manner pointed out as aforesaid.

The lessor may retake possession of rented premises when the tenant fails to pay the rent when it becomes due. Interest on contracts for rent authorized. Actions for rent arrear triable at the first term.

SECT. 5. *And be it further enacted by the authority aforesaid*, That if any person leasing or renting land, house or houses, shall fail to pay the rent at the time the same shall become due, it shall and may be lawful for the lessor immediately thereafter to enter and retake possession of the premises so by him leased or rented.

SECT. 6. *And be it further enacted by the authority aforesaid*, That all contracts for rents, whether verbal or in writing, shall bear interest from the time the same shall become due, any law, usage or custom to the contrary notwithstanding; and all actions, commenced in any of the courts of this state for the recovery of rent in arrear, shall be tried at the term to which the same shall be returnable, unless good cause shall be shown for the continuance thereof; nor shall any such action be continued more than one term at the instance of either party, any law to the contrary notwithstanding.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 469.)

To point out the mode for the collection of Rents and the recovery of possession of property within the city of Savannah, and the precincts thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passage of this act, it shall and may be lawful for any person, who may hereafter have rent due by any person or persons within the city of Savannah, or the precincts thereof, where the sum does not exceed thirty dollars, to make application to any justice of the peace within the said city of Savannah or its precincts, and obtain from the said justice a distress warrant for the sum claimed to be due, on oath in writing, for the said rent, and the same may be levied, by any constable duly qualified, on any property belonging to the said tenant or tenants; and the said constable shall advertise and sell the same, under the same rules and regulations as other sales under execution; and if the rent due shall exceed thirty dollars, it shall and may be lawful for the judge of the Superior Court, or any one of the justices of the Inferior Court of Chatham county, to issue a warrant authorizing the sheriff or any lawful constable of the said city, or the precincts thereof, to distrain on any property belonging to the said tenant or tenants, and advertise and sell the same, as in cases of execution issuing under and by virtue of the judiciary act: *Provided nevertheless,* that the said tenant or tenants shall be entitled to replevy the goods so distrained, by making oath that the same, or some part thereof distrained for, is not due, and give security for the eventual condemnation money; and in that case it shall be the duty of such officer to return the same to the court having cognisance of the same, and the same shall be determined by a jury, as practised in other cases of claims.

Distress warrants for rent in the city of Savannah, when the sum due does not exceed \$30, regulated.

Proceedings where the rent due exceeds \$30.

Goods distrained, how replevied.

SECT. 2. *And be it further enacted,* That where any property may be distrained and claimed by a third person, the same shall be claimed on oath, and shall be returned and determined in like manner, and under the same rules and regulations as are by law pointed out for the trial of the right of property.

Claims to distrained property regulated.

SECT. 3. *And be it further enacted,* That in no case a preference shall be given to persons distraining for rent, where there are any judgments against the person or property so distrained.

Property distrained subject to previous judgments.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or persons leasing or renting any lot or lots, tenement or tenements, within the city of

Writs of possession, when a tenant fails

(No. 469.) Savannah, or the precincts thereof, shall fail to pay the rent at the time the same shall become due, and shall refuse to deliver possession to the lessor, at the expiration of his lease, it shall and may be lawful for the judge of the Superior Court, or any one of the justices of the Inferior Court of the county of Chatham, to issue a writ of possession, directed to the sheriff or any lawful constable of the city of Savannah, or the precincts thereof, commanding the said sheriff or constable to deliver possession of the said lot or lots, tenement or tenements, to the said lessor, which shall be by the said sheriff or constable forthwith executed and returned.

Interest on
contracts for
rent allowed.

Actions for
rent arrear
shall be tried
at the first
term.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all contracts for rents, whether verbal or in writing, shall bear interest from the time the same shall become due, any law, usage or custom to the contrary notwithstanding: and all actions commenced in any of the courts within the city of Savannah, or the precincts thereof, for the recovery of rent in arrear, shall be tried at the term to which the same shall be returnable, unless good cause shall be shown for the continuance thereof; nor shall any such action be continued more than one term at the instance of either party, any law to the contrary notwithstanding.

Repealing
clause.

SECT. 6. *And be it further enacted,* That all laws militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813..

PETER EARLY, GOVERNOR.

AN ACT*

(No. 470.)

To authorize the collection of Rent within the city of Augusta, and the precincts thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

That from and immediately after the passage of this act, it shall and may be lawful for any person or persons within the city of Augusta, or the precincts thereof, where the sum does not exceed thirty dollars, to apply for and obtain from a justice of the peace a distress warrant for the sum claimed to be due, which warrant shall be founded on the oath in writing of the party, his agent or attorney, for the sum claimed to be due : and it shall and may be lawful for any constable, duly qualified, to levy the same on any property belonging to the tenant or tenants ; and it shall be the duty of the constable levying said distress warrant to advertise and sell, in the same manner as is pointed out by the judiciary, for sales under execution : and when the rent claimed to be due exceeds the sum of thirty dollars, it shall and may be lawful for the judge of the Superior, or justices of the Inferior Court of Richmond county, to issue a distress warrant, authorizing and directing the sheriff, or any lawful constable, to distrain any property belonging to the tenant or tenants, and advertise and sell the same as in cases of executions : *Provided nevertheless*, That the said tenant or tenants shall be entitled to replevy the goods and chattels so distrained, by making oath that the amount claimed as rent, or some part thereof distrained for, is not due, and give security for the eventual condemnation money ; and in that case it shall be the duty of such officer to return the same to the court having cognisance thereof, and the same shall be determined by a jury as practised in other cases ; and the jury, on the trial of all such cases, shall take the following oath : " You shall well and truly try the case depending between A. B. distrainer, and C. D. distrainee, and a true verdict give according to evidence ; so help you God."

Distress warrants for rent in Augusta, when the sum due does not exceed \$30, regulated.

When the sum due exceeds \$30, said warrants how and by whom issued and executed. Goods distrained, how replevied.

Oath of the jury.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when any property may be distrained and claimed by a third person, the same shall be claimed on oath, and shall be returned and determined in like manner, and under the same rules and regulations, as are by law pointed out for the trial of the right of property ; and the jury shall in all such cases take the following oath : " You shall well and truly try the

Claims to property distrained, how made, returned and tried.

Oath of the jury.

* See act of 1816, No. 471, amendatory of this act.

(No. 470.) cause depending between A. B. distrainor, and C. D. claimant, and a true verdict give according to evidence ; and you do further swear that you will give to the distrainor such damages against the claimant as to you shall seem reasonable and just, provided it shall appear to you that the claim is frivolous, and intended for delay only ; so help you God."

No preference
given to per-
sons distrain-
ing where pre-
vious judg-
ments exist.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in no case a preference shall be given to persons distraining for rent, where there are any judgments against the person or property so distrained.

Double rent
recoverable
where a ten-
ant holds
over.

SECT. 4. *And be it further enacted by the authority aforesaid,* That when any tenant or tenants hold over his or their lease, it shall and may be lawful for the landlord to demand, collect and receive double rent.

Repealing
clause.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this law shall be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT.

(No. 471.)

To amend the act of 1814, entitled An act to authorize the collection of Rents within the city of Augusta, and the precincts thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passing of this act, it shall and may be lawful, in all cases, upon the termination of any lease within the city of Augusta and its precincts, now in existence, (or already expired, and the tenant holds over,) or which shall hereafter exist, where the owner of the rented property, or his proper agent or representative, shall desire to have possession of the same, to demand of the tenant or tenants the possession of the rented property; and in case of refusal on the part of the tenant, or omission on his, her or their part to deliver possession, it shall and may be lawful for the owner thereof, by him or herself, or by his or her agent or representative, to go before the judge of the Superior Court, or any justice of the Inferior Court, or before the intendant of the city, and make oath that the lease is expired, and that the tenant refuses, omits or neglects to give possession; whereupon it shall be the duty of the person before whom the oath is made to issue or grant a warrant or process, directed to the sheriff or city marshal, requiring and commanding the said sheriff or marshal to deliver to the owner, his or her agent or representative, peaceable, quiet and full possession of the rented premises, removing the tenant or tenants, with the goods, furniture and other property found thereon, belonging to such tenant or tenants, therefrom.

Writs of possession, when tenants in the city of Augusta and its precincts hold over, how, and by whom issued and executed.

SECT. 2. *And be it further enacted,* That the same fees shall be allowed the sheriff or marshal for executing the process aforesaid, as is allowed a sheriff for executing a writ of possession after a recovery in ejectment, together with the sum of one dollar for every hundred dollars worth of property, goods or effects, removed from the rented premises, belonging to the tenant or tenants; which amount shall be paid to the tenant or tenants, and be levied on his goods for that purpose.

Fees of the officer executing such writ.

SECT. 3. *And be it further enacted,* That where the tenant shall declare on oath that his lease, whether written or verbal, is not expired according to agreement, he shall in that case not be removed from the possession, but the sheriff or marshal shall return the proceedings to the next Superior Court of the county, and the fact be there tried; and if determined against the tenant or tenants, he or they shall pay four times as much as the rent reserved, and be moreover liable to be indicted in the Superior Court for perjury.

What shall be done when the tenant makes oath that his lease is not expired.

(No. 471.) **SECT. 4.** *And be it further enacted,* That where any tenant shall make oath, that he does not hold under the party claiming the possession, or any other claiming under him, but under a different person or persons, then, and in that case, the proceedings shall be returned to the Superior Court of the county for trial, and if found against the tenant, he shall pay twofold rent for the time he may have held over, and be turned out of possession, as herein before pointed out.

Proceedings
regulated
when a tenant
makes oath
that he does
not hold un-
der the party
claiming pos-
session.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

REPRESENTATION.

AN ACT

1817.

(No. 472.)

To apportion the Representatives among the several counties in this state, according to the fourth enumeration, in conformity to the seventh section of the first Article of the Constitution.

WHEREAS, the seventh section of the first article of the constitution directs, that Preamble.
the House of Representatives shall be composed of members from all the counties, according to their respective numbers of free white persons, including three-fifths of all the people of colour; in order therefore to apportion the representatives of each county respectively, according to the said fourth enumeration or census :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in future the representation of the respective counties shall be apportioned in the following manner, to wit: The county of Baldwin, two; Burke, three; Bryan, one; Bullock, one; Columbia, three; Camden, two; Clark, three; Chatham, three; Effingham, one; Emanuel, one; Elbert, three; Greene, three; Glynn, one; Hancock, three; Jackson, three; Jasper, four; Jones, four; Jefferson, two; Laurens, two; Lincoln, two; Liberty, two; Morgan, four; Madison, two; Montgomery, one; M^cIn-

Apportionment of the representation of the several counties in the state.

(No. 472.) tosh, two ; Franklin, three ; Oglethorpe, three ; Pulaski, two ; Putnam, four ; Richmond, three ; Scriven, two ; Twiggs, three ; Wilkinson, two ; Warren, three ; Wilkes, four ; Washington, three ; Tatnall, one ; Telfair, one, and Wayne, one.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

ROADS AND BRIDGES.

1811.

AN ACT*

(No. 473.)

To amend the several acts regulating Roads in this state, so far as respects the county of Wayne.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That* from and after the passage of this act, the commissioners of the different roads, in the county of Wayne, shall be elected in the following manner: All white persons liable to perform road duty on the post-road, shall meet at the place of holding courts in said county, on the first Monday in January, and elect three commissioners.

Commissioners of roads in Wayne county, how elected.

SECT. 2. *And be it further enacted, That* the white persons liable to perform road duty on the road leading up the Altamaha river shall, on the second Monday in January, elect three commissioners, at the house at present occupied by Richard Roberts.

Commissioners of the road leading up the Altamaha, when and by whom elected.

SECT. 3. *And be it further enacted, That* the white persons liable to perform road duty on the road leading from Buffalo across Sittilla river, to the Indian boundary line, shall, on the third Monday in January, elect three commissioners for said road, at the house formerly occupied by Caleb Moore.

Those of the road leading from Buffalo, &c. to the Indian boundary line, when and where elected.

* Repealed. See act of 1812, No. 478.

(No. 473.) SECT. 4. *And be it further enacted*, That the first election of said commissioners shall take place in January, eighteen hundred and twelve, and every second year thereafter; and said elections shall be held by one or more magistrates, with one or more freeholders; and the three persons on each road having the highest number of votes shall be the commissioners.

Vacancies,
how filled.

SECT. 5. *And be it further enacted*, That in case of a vacancy, by neglect to elect the commissioners pointed out by this act, removal out of the district or otherwise, then the justices of the Inferior Court shall appoint other person or persons to fill such vacancy.

Defaulters,
how proceed-
ed against.

SECT. 6. *And be it further enacted*, That when any person shall be a defaulter on any of the said roads, it shall be the duty of the commissioners of the road to which he or they may belong to give twenty days notice, by advertisement in one or more of the most public places in the county, of the time and place of their meeting, and a majority of them, on the day pointed out, determine on the excuse of any such delinquent, and shall within ten days thereafter issue their execution against such person as shall not have rendered to them a sufficient excuse.

Repealing
clause.

SECT. 7. *And be it further enacted*, That all laws and parts of laws militating against the provisions of this act be, and the same are hereby repealed.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 474.)

To amend An act to amend the several acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne, dated 8th December, 1806, so far as respects Camden county.

WHEREAS, means have been resorted to, or pretences have been made to evade the just and equitable intention and construction of the late laws, passed for the improvement of the main post-road in Camden county, and the public interest hath sustained material injury, by the neglect or refusal of several individuals to allow their slaves to perform their due and regular share or tour of duty, on the main post-road leading from Fort Barrington to St. Mary's; for the better regulating and enforcing due obedience to the said laws :

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That immediately after the passing of this act, the justices of the Inferior Court of the county of Camden shall be authorized, and hereby are required to appoint three commissioners for each district of post-road, who are to direct and superintend the labour to be performed on the main post-road leading through said county, until the same shall be complete, and that the said justices shall also have power and authority to fill all vacancies in the board of commissioners, that may be occasioned by resignation, death or otherwise, and that the power and authority of the road commissioners, who have been appointed previous to the passing of this act, shall henceforth cease and be determined.

Preamble.
Commissioners of the main post-road in Camden county, how appointed.
Their duty.
Vacancies how filled.

SECT. 2. *And be it further enacted,* That the commissioners of the main post-road shall be considered as a board separate and distinct from the commissioners or superintendants of private or bye-roads, and that they are authorized to vote on any question that hath been or hereafter may be submitted for the consideration and discretion of the said board; and that no commissioner charged as a defaulter shall be allowed to vote as a member of the board, at the time of his trial, neither shall he have a vote on any question, the result of which may involve his individual interest, either directly or indirectly; and any proceedings of a board of commissioners, that have been had or hereafter may occur, contrary to the principles or true intent and meaning of this section, shall be and hereby are declared null and void.

Said commissioners considered as a board distinct from superintendants of other roads in said county.
Votes of said commissioners regulated.

- (No. 474.) **SECT. 3.** *And be it further enacted,* That the general meetings of commissioners of the main post-road, in Camden county, shall be at the town of Jefferson, on the first Saturday in May next, and annually thereafter, with liberty to adjourn to such other places and times as the board may direct; five of whom shall be competent for the trial of an offence committed by one of their own body, should no greater number attend at the time appointed, and also to impose and cause to be collected any fine, not exceeding thirty dollars; and they are hereby vested with full power to make and establish such rules and regulations for the government of themselves, and the persons who may be subject to their direction, as a majority of the quorum convened may agree on: *Provided,* the rules and regulations shall not be repugnant to this law, and such parts of road laws as are not repealed by this law: *And provided,* the time of service or labour required shall not exceed six days at any one time, nor twelve days in any one year: *And provided,* a notice of at least five days shall be given to the party whose labour may be required previously thereto.
- SECT. 4.** *And be it further enacted,* That the board of commissioners aforesaid shall be authorized to appoint a secretary or clerk, who shall keep a record of their actings and doings; for which service he shall be compensated out of the road fines at the discretion of the board; which record shall be open to the inspection of the public.
- SECT. 5.** *And be it further enacted,* That the justices of the Inferior Court of Camden county, or a majority of them, are hereby empowered at their discretion to grant the prayer of petitioners for private or bye roads; also to appoint superintendants for the same at all times when requisite, and that all fines and forfeitures, incurred by neglect or refusal to perform road duty, or otherwise, when collected, shall be paid over to the person appointed by the general board to receive the same.
- SECT. 6.** *And be it further enacted,* That no white person shall be bound to perform manual labour, nor any other than militia duty, on the roads, or that of overseeing and directing slaves or persons of colour.
- SECT. 7.** *And be it further enacted,* That should a part of the post-road in the second district become injured, the commissioners thereof shall be authorized to direct a suitable portion of labour towards keeping the same in passable repair, at any time previous to the completion of that part of the road through the swamp opposite to Brown's landing, any former law to the contrary notwithstanding.

SECT. 8. *And be it further enacted*, That any laws or parts of laws which militate (No. 474.)
against this act be, and the same are hereby repealed. Repealing
clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 475.)

*More effectually to open and keep in repair the public Roads, Causeways and
Bridges in this state.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
That the justices of the Inferior Courts in and for the several counties in this state, at the first session or term after the passing of this act, or as soon thereafter as convenient, shall proceed to define and point out as many and such districts as to them shall seem meet and proper, having due regard to proportioning said districts or divisions, so to divide the labour and expense of the roads, causeways and bridges equally among the citizens of the respective districts, throughout the said counties; and on application to said court for any new road, or any alteration in an old road, the said justices shall proceed to appoint three discreet and proper persons, residing in the neighbourhood where such road is intended to pass; and in case they find it of public utility, they may proceed to mark out the same on oath, taken before any justice, and report to the said court, the clerk of which is hereby required to notify the commissioners hereafter named of such report; and the justices of said Inferior Courts shall appoint two or more commissioners, one of which shall be a justice of the peace, who shall be notified of such their appointment in writing, by the clerk of said court, within thirty days after such appointment, under the penalty of five dollars for every such default; and if any

The justices of the Inferior Courts required to define and point out road districts in the several counties.

The making of new roads, and the alterations of old ones, regulated.

* This act amended by act of 1812, No. 479; and again amended by act of 1814, No. 483; but see more particularly act of 1818, No. 499, by which the road laws are altered and amended, and which is at present the operative law on the subject.

(No. 475.) commissioner or commissioners, within ten days after the receipt of such notification, shall not make his or their resignation to some one of the justices aforesaid, such commissioner shall be considered as having accepted said appointment; and the commissioners so appointed shall have full power and proceed to apportion hands for the districts aforesaid; and in case of refusal, departure, or decease of any such commissioners, the Inferior Courts in the counties aforesaid shall have power to fill such vacancy; and should any commissioner or commissioners so appointed refuse to act, after being notified by the clerk as aforesaid, he shall be liable to the fine of five dollars; but should any commissioner so appointed refuse, at any time within one year of said appointment, (without good cause, to be adjudged of by the said court,) he shall be liable to a fine of thirty dollars.

Who are liable
to road labour.

SECT. 2. *And be it further enacted*, That all male inhabitants, mulattoes and free negroes, and all male slaves, from the age of sixteen to forty-five years, in the counties aforesaid, shall be, and they are hereby declared to be obliged to appear with an axe, grubbing or weeding hoe, as directed by the overseer, and work on the several roads, causeways and bridges, within the several districts to which such male white inhabitants, mulattoes, free negroes and male slaves shall have been allotted pursuant to this act, or such male white inhabitants, mulattoes, free negroes and owners, managers or employers of such negroes or male slaves, shall be liable to the fines and penalties in this act defined and expressed.

Commissioners
authorized
to appoint
some person
to summon la-
bourers to
work on roads,
&c.

SECT. 3. *And be it further enacted*, That the commissioners appointed under this act, or a majority of them, shall, and they have hereby full power and authority to appoint one or more person or persons within their several districts as overseers, to summon all such persons as are obliged to work within the said district, three days before the time of working, and at such times of the year, and for as many days as they may think proper, (not to exceed four days at any one time, and twelve days in one year,) to repair and work on the roads, causeways and bridges within the same; and the several owners, managers or employers of male slaves, within the several districts, shall, when summoned as aforesaid, deliver to the person summoning him, her or them, a list of all such male slaves as are by this act liable to work, in writing, signed by such owner, manager or employer, under a penalty of ten dollars for a neglect thereof, which list the person summoning shall deliver to any one of the commissioners in the district in which he was appointed to summon as aforesaid.

Owners, &c.
of slaves to
render a list
of such as are
liable to road
labour.

Penalty on
defaulters.

SECT. 4. *And be it further enacted*, That every male white inhabitant, free negro or mulatto, who being duly summoned to work in the respective districts wherein such male white inhabitants, free negroes or mulattoes are obliged to work by this act, shall neglect or refuse to obey such summons, he shall, for each day he should so refuse or

neglect to appear and work as aforesaid, forfeit a sum not exceeding one dollar, (com- (No. 475.)
missioners aforesaid excepted,) and for every day the owner, manager or employer of
any male slave, liable to work as aforesaid, shall neglect or refuse to send such slaves to
perform such work, he, she or they shall forfeit a sum not exceeding one dollar for each
slave; and it shall be the duty of the said commissioners to appoint a time and place,
and to notify the same, (*Provided always*, that such times shall be within ten days after
such period of working on the road,) for hearing and determining on such excuses as
may be offered by defaulters; and a majority of the commissioners convened at such
time, shall have full power to decide as aforesaid, and order executions to issue to any
lawful constable, which execution shall be signed by two commissioners for the district
in which the defaulter or defaulters may reside.

Proviso.

The hearing
or determin-
ing excuses,
regulated.

Executions
how issued.

SECT. 5. *And be it further enacted*, That where any road may be a district line, that
then and in that case the commissioners in such adjoining districts, shall meet and
co-operate in apportioning hands and appointing overseers on such roads: *Provided*
nevertheless, that this law shall not operate in the counties of Effingham, Chatham,
Bryan, Liberty, Glynn, McIntosh, Camden, Wayne, Burke, Washington, Warren, Rich-
mond and Tatnall.

Where a road
forms a district
line, what to
be done.

This law not
to operate in
certain coun-
ties.

SECT. 6. *And be it further enacted*, That all fines and penalties imposed by this act
shall be paid, by the persons collecting the same, to the commissioners of said road, to
be by them appropriated for the building and keeping in repair of roads and bridges in
said district, and effecting such objects as are embraced by this act.

Fines, &c. to
whom paya-
ble, and how
appropriated.

SECT. 7. *And be it further enacted*, That when any person shall hereafter make any
fence, or cut any tree, or make other obstructions in or across any public road, unless
removed in two days, such person shall for every such offence pay a fine not exceeding
twenty dollars, to be recovered by warrant under the hand and seal of any justice of the
peace, to be applied as is herein directed; and it shall be the duty of the overseer of the
district forthwith to cause the said obstructions to be removed.

Penalty on
persons ob-
structing any
public road.

SECT. 8. *And be it further enacted*, That when bridges shall be necessary over any
water-course which divides one county from another, the Inferior Court of each county
shall join in appointing commissioners for the building of and keeping in repair the
same, and the expense thereof shall be defrayed by both counties, in proportion to the
amount of the general tax of each, to be estimated by the digest of the general tax taken
next before such contract.

When a bridge
is necessary to
be built over a
stream which
divides one
county from
another, the
expense shall
be defrayed
by both coun-
ties, &c.

SECT. 9. *And be it further enacted*, That whenever any public bridge shall require
repairing, it shall be the duty of the commissioners, or one of them, to give notice in

The repairing
of bridges pro-
vided for.

(No. 475.) writing thereof to the undertaker, or one of his securities, stating the repairs necessary to be made, and requiring the same to be made within a reasonable time, to be set forth in the said notice; and if the same shall not be made within such time, such commissioner or commissioners shall employ some other person or persons forthwith to make such repairs, and shall immediately thereafter issue an execution against such undertaker and his securities, for the amount given for the said repairs, with costs.

A commissioner who shall undertake to build and keep in repair a public bridge, or who shall become a security for any other undertaker, shall be divested of his powers, &c.

SECT. 10. *And be it further enacted,* That when any commissioner, appointed for letting any public bridge, under and by virtue of this act, shall undertake the building and keeping in repair the same, or shall become the security for any other person so undertaking, the powers of such commissioner shall from thenceforward cease and determine, and the Inferior Court of the county shall appoint another in his room.

Repealing clause.

SECT. 11. *And be it further enacted,* That all road laws heretofore passed, which in any way militate against this act, be, and the same are hereby repealed.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 476.)

To explain An act to amend the several Road Acts regulating Roads in this state, "so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne," so far as respects the county of Glynn.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same;* That the sum of three dollars, assessed by the afore-recited act upon all slaves liable to perform road duty upon the island of St. Simons and Jekyll, be considered as a sufficient assessment for each year.

Assessment upon slaves liable to perform road duty on the island of St. Simons and Jekyll.

SECT. 2. *And be it further enacted,* That all fines accruing by this assessment shall be appropriated for the making the road across the Buffaloe, in the said county.

Appropriation of fines.

SECT. 3. *And be it further enacted,* That all laws or any part of laws operating against this law be, and the same are hereby repealed.

Repealing clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1813, No. 481.

(No. 477.)

AN ACT*

To amend an act, entitled An Act to amend the several Road Acts, regulating Roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne, passed on the 8th day of December, 1806, so far as respects the county of Bryan.

William A. Dunham appointed for ten years a commissioner of that part of the road in Bryan county called Ogechee causeway.

His powers.

Proviso.

Proviso.

Toll on said causeway authorized.

A summoner to be appointed.

His duty.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That William A. Dunham be, and he is hereby appointed, for the term of ten years, a commissioner of that part of the road in Bryan county called Ogechee causeway, with the power of calling out all the hands in Bryan county subject to work on the public roads, including all the hands on the north side of Ogechee river, consisting of the following plantations, to wit: The estate of William Elliott, the estate of Ralph Elliott, Stephen Elliott's plantations, Benjamin Savage's plantation, the estate of Thomas Savage; Benjamin Stiles's plantation, John H. Morel's plantation, and the estate of Peter H. Morel's, six days in each year, at any time the said Dunham may deem it necessary, on giving six days notice: Provided, that not more than one-eighth of all the hands embraced by this act shall be called out at any one time: And provided also, that all the hands in captain Bird's district, and others on the north-west side of Canuchee, shall be wholly exempt from the provisions of this act: Provided, nevertheless, that it shall be optional with the owners of slaves as aforesaid, either to comply with the above act, otherwise to pay to the said Dunham the sum of three dollars, for every slave detained from said public road duty, per annum.*

SECT. 2. *And be it further enacted, That the better to enable the said William A. Dunham to keep in passable and good order the said causeway, it shall be lawful for him to demand and receive the following toll, to wit: On every four-wheel carriage, waggons excepted, the sum of thirty-seven and one half cents; on every two-wheel carriage, carts excepted, eighteen and three-fourths cents, and on every man and horse, six and one quarter cents.*

SECT. 3. *And be it further enacted, That the said William A. Dunham, commissioner as aforesaid, be, and he is hereby authorized to appoint a person as summoner, whose duty it shall be to give such notice as he may be instructed by the said commissioner, in conformity to this act; and the testimony of such summoner shall be conclusive evidence against all defaulters.*

* This act repealed by act of 1815, No. 486.

SECT. 4. *And be it further enacted*, That it shall be the duty of the judge or justice, (No. 477.) before whom the said commissioner may bring his suit for default on said causeway, to render judgment, at the first term, against the owner or owners of such defaulting slave or slaves, but such defaulting slave or slaves, together with any other property belonging to the owner of such slave or slaves, shall be bound to satisfy the judgment and costs of suit.

The recovery of the assessment on defaulters provided for.

SECT. 5. *And be it further enacted*, That it shall not be lawful for the said William A. Dunham to transfer to any person whatever the powers vested in him by this act, without the approbation of the justices of the Inferior Court of Bryan county, or their successors in office, or a majority of them, whose duty it shall be, during the aforesaid term of ten years, to examine the state of the said causeway, and whose approbation, by public notice, shall be necessary to entitle the said commissioner to demand or receive the aforesaid rates of toll; nor shall any toll be demanded by the said Dunham, at any time whatever when the said justices of the Inferior Court, or a majority of them, shall declare the causeway not in comfortable passable order.

Said Dunham not to transfer his powers to any other person, without the consent of the justices of the Inferior Court of said county.

Duty of said justices with regard to said causeway.

SECT. 6. *And be it further enacted*, That no alleviating law, which has or may be passed during the present session, shall militate against the provisions of this act.

No alleviating law to militate against this act.

SECT. 7. *And be it further enacted*, That nothing in this act shall be construed to the exemption of any of the hands in Bryan county, or on the north side of Ogechee river, who have been subject to road duty in said county, from any of the provisions of the above recited act, excepting so far as relates to Ogechee causeway.

Construction of this act.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 27th November, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 478.)

AN ACT*

Regulating Roads in this state, so far as respects the county of Wayne, and to repeal an act, entitled An act to amend the several acts regulating Roads in this state, so far as respects the county of Wayne, passed the 10th December, 1811.

Commissioners of public roads in the county of Wayne, how appointed.

Their duty.

Vacancies, how filled.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That immediately after the passing of this act, the justices of the Inferior Court of Wayne county shall be authorized, and are hereby required, to appoint commissioners for each public road leading through said county, and three commissioners on the post-road leading from Fort Barrington to Little Satilla, as already laid out, who are to direct and superintend the labour to be performed on said road; and that the said justices shall also have power and authority to fill all vacancies in the board of commissioners, that may be occasioned by death or otherwise, and that the power and authority of the road commissioners, who have been appointed previous to the passing of this act, shall henceforth cease and be determined.

Powers of the justices of the Inferior Court with regard to county roads.

SECT. 2. *And be it further enacted,* That the justices of the Inferior Court of Wayne county, or a majority of them, are hereby empowered at their discretion to reject or confirm all county roads heretofore laid out, also to grant the prayer of petitions for county roads, also to appoint superintendants for the same, at all times when requested, and to apportion the hands for said roads as they may think most proper.

Proceedings with regard to defaulters.

SECT. 3. *And be it further enacted,* That when any person shall be a defaulter on any of the said roads, it shall be the duty of the commissioners of the road to which he or they may belong to give twenty days notice, by advertisement in one or more of the most public places in the county, of the time and place of their meeting, and a majority of them, on the day pointed out, determine on the excuse of any such delinquent, and shall within ten days thereafter issue their execution against such person or persons as shall not have rendered to them a sufficient excuse.

* See act of 1818, No. 499, amendatory of the road laws, to the provisions of which act Wayne county is now subject, not being therein excepted.

SECT. 4. *And be it further enacted*, That all laws and parts of laws militating against the provisions of this act be, and the same are hereby repealed.

(No. 478.)
Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 5th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 479.)

To amend an act, entitled An act more effectually to open and keep in repair the Public Roads, Causeways and Bridges in this state, passed the 16th day of December, 1811.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That in all cases where the justices of the Inferior Court have, or may hereafter appoint commissioners in their respective districts, according to the provisions of the above recited act, and the commissioners so appointed shall, at any time within twelve months after their appointment, neglect or refuse to discharge the duties required by this and the before recited act, and sufficient proof thereof being made to the Inferior Court, shall be fined in a sum not exceeding ten dollars for every such refusal or neglect of duty, which fines, when collected, shall be by the Inferior Courts appropriated to the building and keeping in repair the public bridges within the county.

Persons appointed commissioners under the recited act, who shall neglect to perform the duties of their office, finable by the Inferior Court.

SECT. 2. *And be it further enacted*, That it shall be the duty of all overseers appointed, or that may hereafter be appointed, to superintend the working on and repairing the road or roads laid out and assigned by the commissioners to their superintendence, and cause the same to be well worked on and repaired, in the best possible manner which the situation of the land over which said road will pass will admit of, and to make a return to the

Overseers of roads; their duties.

* Amended by act of 1814, No. 483; but see particularly act of 1818, to alter and amend the road laws. No. 499, which is now the operative act on the subject.

(No. 479.) commissioners, or some one of them, within five days of every time of working on said road, a list of all defaulters and deficiencies which may have taken place during such time of working on said road; and where any overseer shall, at any time within twelve months after his appointment, neglect or refuse faithfully to discharge the duties required of him as overseer, he shall be subject to a fine not exceeding ten dollars, to be adjudged of by the commissioners of the district; which fines shall be collected by the commissioners in the same manner as default money.

Finable for neglect thereof.

Executions against defaulters, how and by whom issued and executed.

Appropriation of fines.

Proviso.

SECT. 3. *And be it further enacted*, That it shall be the duty of the commissioners, or a majority of them, to issue executions against defaulters, under their hands and seals, directed to any lawful constable of the district, for the amount of all fines by them imposed by this act, unless a satisfactory excuse be rendered to them on oath, within thirty days, by the person or persons returned by the overseer as defaulters; and it shall be the duty of the constable to levy and collect such fines in the same way and manner as executions issuing from the justices' courts; and when collected, the said constable shall, within twenty days, pay over the amount collected to the commissioners, or any one of them; one half of which shall be paid by the commissioners to the overseer, and the remainder, together with any fines which may be collected from overseers, shall be paid to the Inferior Court, and applied to the building and repairing bridges in their respective counties: *Provided*, that overseers shall not be witnesses against defaulters to any other fact than that of summoning to work on the said roads.

The Inferior Courts shall have the exclusive right of letting the building, &c. of bridges. Proviso.

This act not to operate in certain counties.

SECT. 4. *And be it further enacted*, That the Inferior Courts of the several counties in this state, shall have the exclusive right of letting the building and repairing bridges in their respective counties: *Provided*, that this act shall not operate in the counties of Effingham, Washington, Tatnall, Burke, Chatham, Bryan, Liberty, Glynn, McIntosh, Camden, Wayne, Warren, Richmond, Telfair, Bulloch, Lincoln, Pulaski, Montgomery, Jefferson, Laurens, Twiggs and Wilkinson.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 480.)

To authorize Sherod M. Call to open and keep in repair a road from High Bluff, on the Ogechee river, through the counties of Effingham and Chatham.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That Sherod M. Call be, and he is hereby authorized to open and keep in repair a road leading from High Bluff, on Ogechee river, through the counties of Effingham and Chatham, so as to intersect the Augusta road, at or near the twelve mile stone on said road.*

Sherod M. Call authorized to open a certain road.

SECT. 2. *And be it further enacted by the authority aforesaid, That no hands in the counties of Effingham and Chatham be compelled to work on the said road, any law or usage to the contrary notwithstanding.*

Hands in the counties of Chatham and Effingham, not compelled to work on said road.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 481.)

AN ACT*

To amend An act regulating Roads in this state, so far as respects the county of Glynn.

Commissioners of roads in Glynn county, how appointed.
Vacancies, how filled.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That immediately after the passing of this act, the justices of the Inferior Court of Glynn county. shall be authorized and hereby required to appoint three commissioners for each road of a public nature in the county of Glynn, who are to direct and superintend the labour to be performed on said road or roads; and that the said justices shall also have power and authority to fill all vacancies in the board of commissioners, that may be occasioned by death or otherwise; and that the power and authority of the commissioners, previously appointed to the passing of this act, shall henceforth cease and be determined.

Power of the justices of the Inferior Court of said county with regard to county roads.

SECT. 2. *Be it further enacted,* That the justices of the Inferior Court of Glynn county, or a majority of them, are hereby empowered, at their discretion, to reject or confirm all county roads heretofore laid out; also to grant the prayer of petitions for county roads; also to appoint superintendants for the same, at all times when requested, and to apportion the hands for the said roads as they may think most proper.

Their power as to the road on the island of St. Simons.

SECT. 3. *And be it further enacted,* That the justices of the Inferior Court aforesaid shall have full power to regulate and direct all things regarding the public roads, so far as relates to the road upon the island of St. Simons, in the said county, any thing in any other law to the contrary notwithstanding.

Proceedings against defaulters.

SECT. 4. *And be it further enacted,* That when any person shall be a defaulter on any of said roads, it shall be the duty of the commissioners of the roads to which he or they may belong, to give twenty days notice by advertisement, in one or more of the most public places in the county aforesaid, of the time and place of their meeting; and a majority of them, on the day pointed out, shall determine on the excuse of any such delinquent, and shall within ten days thereafter issue execution against such person or persons as shall not have rendered to them a sufficient excuse.

* This act amended by act of 1815, No. 484.

SECT. 5. *And be it further enacted*, That all laws and parts of laws militating against (No. 481.)
the provisions of this act be, and the same are hereby repealed. Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 30th November, 1813.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 482.)

To authorize William Scott, sen. of Camden county, to establish a Toll on the road leading from Bull Town Swamp to Fort Barrington, on the Altamaha, through M^cIntosh county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That William Scott, sen. of Camden county, is hereby authorized to lay out a road leading from Bull Town Swamp to Samuel Jones', in M^cIntosh county, from thence the nearest, best and most direct way to Fort Barrington, on the Altamaha river, and to open the same; and the said William Scott, sen. his heirs, executors, administrators or assigns, shall be bound to put the said road in good and complete repair, to raise it not exceeding five feet above the common surface, wherever it may be necessary, and to make it twenty feet wide; to enable him to perform which, he is hereby authorized to take timber and earth the most convenient; and the said W. Scott, sen. shall be answerable for every damage or injury occasioned by the badness or want of repair of the said road, during the period hereafter mentioned.

William Scott, sen. authorized to lay out a road from Bull Town Swamp to Fort Barrington. His duty with regard to said road.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said William Scott, sen. shall bind himself, his heirs, executors, administrators and assigns, together with two other good and sufficient securities, to be approved of by the commissioners hereafter named, to the said commissioners and their successors in office, in the penal sum of five thousand dollars, for the performance of the aforesaid contract.

Said Scott to give bond and security.

* This act repealed by act of 1815, No. 485.

(No. 482.) **SECT. 3.** *And be it further enacted by the authority aforesaid,* That for and in consideration of the laying out, opening and keeping in repair the said road, leading from Bull Town Swamp to Samuel Jones', in McIntosh county, from thence to Fort Barrington, the nearest, best and most direct way, the said William Scott, sen. his heirs, executors, administrators and assigns, shall be entitled to receive, for the term of thirty years, the following rates and tollage, to be collected on the said road, at any place that may be deemed the most convenient by the said William Scott, sen. to wit:

Toll rates. For every four-wheeled pleasure carriage, one dollar; for every two-wheel ditto, fifty cents; for every waggon and team, seventy-five cents; for every cart and horse, thirty-seven and a half cents; for every man and horse, twenty-five cents; and for all black cattle and horses per head six and a quarter cents.

Commissioners of said road appointed.
Vacancies, how filled.

SECT. 4. *And be it further enacted by the authority aforesaid,* That Samuel Jones, Samuel Owens and Moses Way be, and they are hereby declared to be, commissioners appointed under this act; and in case of vacancy by death, resignation or otherwise, of any of the aforesaid commissioners, that then his excellency the Governor is hereby authorized and required to fill up said vacancy; and they, or a majority of the said commissioners, are authorized to declare at what time the said road is completed, according to the first section of this act, when, and not before, the toll or charges as aforesaid shall and may be demanded.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 483.)

To amend an act, entitled An act more effectually to open and keep in repair the public Roads, Causeways and Bridges in this state, passed on the 16th of December, 1811, and to amend an act, entitled An act more effectually to open and keep in repair the public Roads, Causeways and Bridges in this state, passed on the 10th day of December, 1812.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That the commissioners heretofore appointed by virtue of the above recited acts, and such as may hereafter be appointed, shall continue to discharge the duties of their said appointments for the term of one year, and until they shall make their resignation to the Inferior Court, and shall, during the time they may continue as commissioners, be subject to the like penalties for neglect of duty as is pointed out by the above recited acts.

Commissioners of roads, their continuance in office.

Liable to the penalties pointed out in the recited acts, for neglect of duty.

SECT. 2. *And be it further enacted,* That when any of the commissioners as aforesaid shall resign as aforesaid, the justices of the Inferior Court, or a majority of them, shall, as soon as may be thereafter, appoint other fit and proper person or persons in their stead, who shall be subject to the like service and penalties as pointed out by the above recited acts, and shall also continue to discharge the duties required of them, for the term of one year from the date of their appointment, and until they shall signify their resignation to the justices of the Inferior Court.

Vacancies by resignation, how filled.

SECT. 3. *And be it further enacted,* That in case any vacancy shall happen by death, removal, or other disability, the justices of the Inferior Court, or a majority of them, shall proceed to fill such vacancy as soon as convenient; and the person so appointed shall be subject to the like duty and penalties as all other commissioners appointed by virtue of this and the before recited acts.

Vacancies by death, removal, or other disability, how filled.

SECT. 4. *And be it further enacted,* That the commissioners so appointed shall hear and determine on all cases of default for neglect of duty required by the before recited acts: *Provided,* such hearing and determining shall be within thirty days after such default: *Provided also,* that the said commissioners, or any one of them, shall advertise

Said commissioners shall hear and determine all cases of default.

Proviso.

Proviso.

* See act of 1818, No. 499, altering and amending the road laws, and which is now the operative act on the subject.

(No. 483.) in two or more of the most public places in the district, giving at least fifteen days notice of the time and place appointed for hearing and determining the same.

Monies collected under this and the recited acts, how disposed of.

SECT. 5. *And be it further enacted*, That all monies collected by virtue of this and the above recited acts shall be, by the commissioners aforesaid, paid into the hands of the clerk of the Inferior Court, to be applied to the repairing the public roads, bridges and causeways.

When the reviewing commissioners report the propriety of opening a new road, the Inferior Court may pass an order for that purpose.

SECT. 6. *And be it further enacted*, That in all cases where commissioners have been or hereafter may be appointed, for the purpose of reviewing any new road, intended to be laid out, and shall report to the Inferior Court the propriety of opening the same, the said court may, if they, or a majority of them, deem it adviseable, pass an order for opening such road.

Proceedings against any commissioner appointed under this, or the recited acts, who shall neglect or refuse to discharge the duties required of him.

SECT. 7. *And be it further enacted*, That in case any commissioner, appointed by virtue of this or the above recited acts, shall neglect or refuse to discharge the duties required of them as pointed out by this and the before recited acts, and information thereof being lodged with the justices of the Inferior Court, by any person, it shall be the duty of the said court to notify such commissioner of such information, and unless excuse be offered to the satisfaction of the justices of said court, or a majority of them, within thirty days after such notice being given, they shall direct the clerk to issue execution against any such delinquent commissioner, for the sum for which he had laid himself liable, as pointed out by the above recited acts, directed to any constable in the district where such commissioners may reside, for the collection of said fine, and to return the same at the next term of the said court; for which services the constable collecting and returning the same, shall receive from the justices of the Inferior Court the usual fees out of the money so collected: *Provided always nevertheless*, That this act shall not operate in the counties of Effingham, Chatham, Bryan, Liberty, Glynn, M^cIntosh, Camden, Wayne, Burke, Washington, Warren, Richmond, Jefferson, Emanuel, Laurens, Bulloch, Tatnall and Telfair.

Proviso.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 484.)

To amend An act regulating Roads in this state, so far as respects the county of Glynn, passed on the thirtieth day of November, 1813.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately after the passage of this act, the justices of the Inferior Court of Glynn county shall be, and they are hereby authorized and required, to appoint three commissioners for each road of a public nature, in said county, who are to direct and superintend the labour to be performed on said road or roads; and that the said justices shall also have power and authority to fill all vacancies in the board of commissioners, that may be occasioned by death or otherwise; and that the power and authority of the commissioners, previously appointed to the passing of this act, shall henceforth cease and be determined.

The justices of the Inferior Court of Glynn county required to appoint commissioners of public roads.

Vacancies.

The power of previous commissioners to cease.

SECT. 2. *And be it further enacted,* That the justices of the Inferior Court of the county of Glynn, or a majority of them, are hereby empowered at their discretion to reject or confirm all county roads heretofore laid out; also to appoint superintendants for the same, at all times when requested, and to apportion the hands for the said roads as they may think most proper.

Power of said justices with regard to county roads;

SECT. 3. *And be it further enacted,* That the justices of the Inferior Court aforesaid, shall have full power to regulate and direct all things regarding the public roads, so far as relates to the island of St. Simons, in the said county, any thing in any other law to the contrary notwithstanding.

And with regard to public roads on the island of St. Simons.

SECT. 4. *And be it further enacted,* That when any person shall be a defaulter on any of such roads, it shall be the duty of the commissioner of the roads to which he or they may belong to give twenty days notice, by advertisement in one or more of the most public places in the county aforesaid, of the time and place of their meeting, and a majority of them, on the day pointed out, shall determine on the excuse of any such delinquent, and shall, within ten days thereafter, issue execution against such person or persons as shall not have rendered to them a sufficient excuse.

Defaulters, how proceeded against.

SECT. 5. *And be it further enacted,* That if any person or persons shall be nominated commissioner or commissioners of the roads of said county, and shall accept such appointment, and hold the same for sixty days, it shall not be lawful for him or them

Any person who shall accept the appointment of commissioner.

(No. 484.) to resign such appointment for twelve months after the date thereof; and in case of refusal to act under such appointment, after the expiration of sixty days as aforesaid, that then and in that case such commissioner or commissioners shall be liable to a fine of five hundred dollars each, to be collected by action of debt, in the name of the state. and hold the same for sixty days, shall not resign his appointment for 12 months after the date thereof, and shall be liable to a fine of \$500 for refusing to act.

Penalty on commissioners for neglect of duty.

SECT. 6. *And be it further enacted*, That when any commissioner or commissioners shall neglect to fulfil his or their duty, in causing those persons liable to work on the road to be summoned, or after such summons being served, shall fail to see the duty of such persons well and truly performed in labouring on the roads, that then and in that case such commissioner or commissioners shall forfeit and pay the sum of one hundred dollars for each and every instance of neglect, to be collected by action of debt, in the name of the state.

Fines for defaults.

SECT. 7. *And be it further enacted*, That for each and every person, free man or slave, liable to work on the roads by the laws of this state, and failing so to do, there shall be a fine of one dollar per day paid for every day's failure, by the free man himself, or by the owner or possessor of the slave, to be recovered by warrant under the hand and seal of the commissioners aforesaid.*

Fines to be paid to the treasurer of Glynn county academy, by the commissioners.

SECT. 8. *Be it further enacted*, † That it shall be the duty of the said commissioners to collect and pay over the above fines, within sixty days after the last day of working on the roads, to the treasurer of the academy of Glynn county; and that it shall be the duty of the justices of the Inferior Court, at their next meeting after the expiration of the sixty days aforesaid, to enforce such payment on the part of said commissioners, by warrant under their hands and seals, for all sums under thirty dollars, and for all sums over that amount to cause separate suits to be commenced by the solicitor general, at the next term of the Superior Court, in the name of the state.

Repealing clause.

SECT. 9. *And be it further enacted*, That all laws and parts of laws militating against the provisions of this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

* This section repealed : see act of 1817, No. 493.

† This section altered and amended by act of 1819, No. 502.

AN ACT

(No. 485.)

To repeal an act, entitled An act to authorize William Scott, sen. of Camden county, to establish a Toll on the road leading from Bull Town Swamp to Fort Barrington, on the Altamaha, through McIntosh county, and for other purposes.

WHEREAS, the said William Scott, sen. has given up and abandoned the idea of carrying into effect the provisions of the before recited act; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the above recited act is hereby repealed.

Repealing clause.

SECT. 2. *And be it further enacted by the authority aforesaid,* That Samuel Jones, Peter Hagin and Elijah R. Tucker be, and they are hereby appointed commissioners to lay out and open a road leading the most direct way from Fort Barrington, on the Altamaha, to strike the Bull Town road, at Samuel Jones's, and open the aforesaid road twenty feet wide at least; and to enable said commissioners to complete the said road, they are hereby authorized to take wood and earth the most convenient.

Commissioners appointed to open a road from Fort Barrington to strike the Bull Town road at Saml. Jones's.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the persons residing in the district heretofore allotted to said road, with such other persons as the board of commissioners of roads in McIntosh county shall allot, shall be liable to work on said road, and under the same penalties as governs in other laws for said county.

Who shall be liable to work on said road.

SECT. 4. *And be it further enacted,* That the before mentioned Samuel Jones, Peter Hagin and Elijah R. Tucker shall, immediately after the passing of this act, proceed to the laying out and new-making a road, the straightest and most direct way leading from Fort Barrington, to strike the Bull Town road at Samuel Jones's; after the said road has been laid off and marked out by said commissioners, then the commissioners shall proceed with the hands or persons of their districts, according to the laws heretofore passed for said county.

Said commissioners to proceed to the laying out said road, &c. immediately after the passage of this act, &c.

SECT. 5. *And be it further enacted,* That if any vacancy should happen by refusing to serve, removal, or any otherwise, the board of commissioners for said county shall appoint them, and fill the vacancy; and the said commissioners shall constitute part of the board for said county.

Vacancies, how filled.

(No. 485.) SECT. 6. *And be it further enacted*, That any law that militates against the provisions of this act be, and the same is hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 486.)

AN ACT

To repeal an act, entitled An act to amend An act regulating Roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Camden and Wayne, passed on the 8th day of December, 1806, so far as respects the county of Bryan.

Preamble. WHEREAS, an act of the legislature, passed on the 27th November, 1812, gave to William A. Dunham, Esquire, the benefit of a turnpike on great Ogechee causeway, on certain conditions therein contained, which conditions have not been complied with by said Dunham ; by which means the causeway aforesaid is almost impassable :

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That the before recited act in favour of William A. Dunham, Esquire, be, and the same is hereby repealed.

The act recited in this section declared to be in force, so far as regards the counties of Bryan, Liberty, and McIntosh.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the law passed on the 8th day of December, 1806, entitled An act to regulate the road laws in this state, so far as respects the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne, be, and the same is hereby declared in full force, so far as respects the counties of Bryan, Liberty and McIntosh.

Male slaves, liable to road labour, &c.

SECT. 3. *And be it further enacted*, That the male slaves liable to road duty on the plantations on the north side of Great Ogechee, heretofore made liable to work on the causeway, be continued to work on the same, and be subject to the same road laws, rules and regulations as the inhabitants of Bryan county.

SECT. 4. *And be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this act be, and the same are hereby repealed.* (No. 486.)
 Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 487.)

To revise and amend the Road Laws of this state, so far as respects the county of Laurens.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the second, third and fourth sections of an act more effectually to open and keep in repair the public roads, causeways and bridges in this state, passed the 16th December, 1811, be amended as follows :*

Be it enacted, That all able-bodied, effective white male inhabitants, mulattoes, free negroes and slaves, from the age of sixteen to fifty years, in the county aforesaid, shall be obliged to attend and work on the public roads, &c. as directed in said act ; and that all overseers appointed agreeable to the third section of said act be, and they are hereby authorized to exempt from labour one hand as a warner, whose duty it shall be to summon defaulters to attend the board of commissioners, as well as hands to work, in terms of the law.

Who shall be liable to road labour, in Laurens county.

SECT. 2. *And be it further enacted, That the time of trying defaulters shall be within twenty days after working ; and that the constable collecting fines shall be entitled to the same fees allowed in other cases, to be paid by the defaulters in like manner.*

Defaulters, when to be tried
 Fees of the constable collecting fines.

* This act repealed by act of 1818, No. 497.

(No. 487.) SECT. 3. *And be it further enacted*, That all laws or parts of laws militating against this act, so far as respects the county of Laurens, be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 488.)

AN ACT*

More effectually to improve the Public Roads in this state.

Preamble. WHEREAS, it is deemed advantageous to the citizens of this state, as well as citizens of other states travelling through this state, that the public roads should be measured and posted :

SECT. 1. *Be it therefore enacted by the General Assembly of the state of Georgia, and it is enacted by the authority of the same*, That from and after the first day of June next, it shall be the duty of all overseers of roads leading from the court-house of their respective counties within this state, in addition to the duties heretofore required of them by law, to measure all that part of the road to which they may be appointed, and at the end of each mile to set up a post or mark on some conspicuous place, which shall designate the number of miles from thence to the court-house as aforesaid.

Roads, leading
from the
court-houses,
in the respec-
tive counties,
to be measur-
ed, and mile-
posts set up.

What shall be
done, when
the measuring
overseer
comes to the
end of his dis-
trict, if the
distance shall
not be an
equal number
of miles.

SECT. 2. *And be it further enacted*, That where it shall so happen, that in measuring from the court-house as aforesaid to the end of the district to which they are appointed overseer, and the distance shall not be an equal number of miles, the overseers of the same road in the next adjoining district shall be compelled to commence at the last mile-post in the district thus measured, unless such district shall end at some county line ; then in that case the overseer of such district shall, by some post or mark, designate the distance from such county line to the court-house of their respective counties as aforesaid.

* See act of 1818, No. 499, amendatory of the road laws.

SECT. 3. *And be it further enacted,* That it shall be the duty of all overseers as aforesaid, at the fork of each public road within their respective districts, to place or post up in some conspicuous place a board or other mark, designating on the same the most public place to which each road directs. (No. 488.)

Sign-posts to be put up at the forks of public roads.

SECT. 4. *And be it further enacted,* That all public roads leading from any sea-port town shall be measured from thence until it intercepts the first court-house or county town.

Roads, leading from a sea-port or other town, how measured.

SECT. 5. *And be it further enacted,* That when any public road as aforesaid shall be altered so as to make it necessary to remove any post, it is hereby made the duty of the overseer of said road to remove such post or set up others, in such manner as to answer the purposes contemplated by this act.

When a road is altered, the overseer shall remove said posts, or set up others.

SECT. 6. *And be it further enacted,* That all public roads shall be laid out the nearest and best way to the place to which they are intended; and that the commissioners of roads shall be required in all cases to designate the same on oath, if required by the court.

Public roads, how laid out, &c.

SECT. 7. *And be it further enacted,* That if any person or persons shall remove or deface the said posts, boards or marks, they shall forfeit and pay the sum of twenty dollars for each and every offence, to be recovered before any court having competent jurisdiction, one half to the county, and the other half to the informer; and if the said offence should be committed by a slave or slaves, or any free person or persons of colour, he, she or they shall receive on conviction not exceeding thirty-nine lashes on his, her or their bare back, to be inflicted by the order of any justice of the district where the offence is committed.

Penalty for removing or defacing said posts, &c.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 489.)

AN ACT

To authorize Russell Goodrich, Nicholas Byers, David Russell, Arthur H. Hanley and John Lowry, to open a road from the head of boatable water on Tugalo river, the most direct route to fall into the road at Samuel Thompson's, on Nine Mile creek, in East Tennessee, and to incorporate them into a company by the name of the Unaca or Unacoi Turnpike Company.

The Unacoi
Turnpike
Company in-
corporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Russel Goodrich, Nicholas Byers, David Russell, Arthur H. Hanley and John Lowry, and their heirs and assigns, be, and they are hereby incorporated into a company by the name of the Unaca or Unacoi Turnpike Company, and by said name shall have full power to sue and be sued, plead and be impleaded in any court of record in this state.

Power of said
company.

SECT. 2. *And be it enacted,* That said company are vested with full power and authority from time to time to adopt such regulations, and concert such measures, as to them shall seem useful for the institution, not inconsistent with the constitution and laws of this state.

The profits of
said road vest-
ed in said
company for
20 years after
it shall have
been com-
pleted.
Proviso.

SECT. 3. *And be it further enacted,* That the aforesaid company, or their heirs and assigns, are hereby entitled to occupy and enjoy all the privileges and advantages arising from said road, for the term of twenty years, to commence after the same shall be in complete operation, agreeably with their treaty with the Cherokee Indians on that subject: *Provided,* that said road is made complete within twelve months after the passage of this act.*

Authorized to
erect a turn-
pike.

SECT. 4. *And be it further enacted,* That the aforesaid company are hereby authorized to erect a turnpike at such place on said road, within the chartered limits of this state, as to them shall seem most convenient.

* See act of 1817, No. 492, which extends the time until the 1st of Nov. 1818.

SECT. 5. *And be it further enacted*, That the said company shall be entitled to receive (No. 489.) the following tolls and rates at said turnpike, for the passage of any person or thing, Toll rates. that is to say: For every man and horse, twelve and one-half cents; for every led horse not in a drove, six and one-fourth cents; for every loose horse in a drove, four cents; for every foot man, six and one-fourth cents; for every waggon and team, one dollar; for every coach or chariot, or other four wheel carriage of pleasure, one dollar and twenty-five cents; for every two wheel carriage, chaise, chair, or other carriage of pleasure, seventy-five cents; for every cart and team, fifty cents; for each head of cattle, two cents; for each head of sheep, goats or lambs, one cent; for each head of hogs, one cent.

SECT. 6. *And be it further enacted*, That if any collector of tolls at said place shall demand and receive from any person greater rates than are hereby allowed for the passage of any thing herein named, he, she or they for every such offence shall forfeit and pay to the party aggrieved, not only the toll demanded and received, but the further sum of ten dollars, to be recovered before any jurisdiction having cognisance thereof. Penalty for receiving a greater toll than is herein allowed.

SECT. 7. *And be it further enacted*, That if any person or persons shall refuse to pay any or either of the foregoing rates, or shall use force or violence to evade the payment thereof, he, she or they so offending for every such offence shall forfeit and pay a sum not exceeding twenty dollars, and in the latter case be liable to an action or indictment in any court of this state having cognisance thereof. Liability of persons who refuse to pay said toll, &c.

SECT. 8. *And be it further enacted*, That the company aforesaid are hereby required and bound to open said road, and build bridges and causeways over the water-courses and swamps when necessary, and to open said road at least twenty feet wide; and when the same is bridged or causewayed, to be at least twelve feet in the centre clear of stumps and rocks, if the same will permit; and when opened, to keep the same in good repair; and in case of failure, to be liable to a fine of five dollars for every five days said road is impassable for carriages of any description, (except in cases of high water,) to be recovered before any justice of the peace in this state, in the name and for the use of the person suing for the same, and to be further liable for an indictment, as overseers of public roads are in such cases, any law to the contrary notwithstanding. Duty and liabilities of said company relative to said road.

SECT. 9. *And be it further enacted*, That nothing contained in this act shall be so construed as to authorize any person or persons to intrude on the lands of the Chero- No intrusion on the Cherokee lands authorized.

(No. 489.) kee Indians, contrary to the intent and meaning of, or contrary to the law of the United States.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 490.)

AN ACT

To alter and amend an act, entitled An act more effectually to open and keep in repair the Public Roads, Causeways and Bridges in this state, passed on the 16th December, 1811, and the act amendatory thereof, passed the 10th December, 1812, so far as respects the county of Warren.

A part of the
recited act re-
pealed, so far
as respects
Warren coun-
ty.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the proviso contained in the fifth section of the above recited act, and the fourth section of the act amendatory thereof, be, and the same is hereby repealed, so far as respects the county of Warren.

Justices of the
Inferior Court
thereof autho-
rized to hear
and determine
all road mat-
ters, &c.

SECT. 2. *And be it further enacted,* That it shall and may be lawful for the justices of the Inferior Court of said county of Warren, or a majority of them, at any time to hear and determine upon all matters relative to roads, bridges, &c.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 491.)

*To amend the several Road Laws now in force in this state, so far as respects the counties of Clark, Franklin, Elbert, Tatnall and Wilkinson, and to authorize the justices of the Inferior Courts and Courts of Ordinary to hear and determine upon all matters which may come before them, relative to roads and bridges.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of February next, it shall be the duty of the justices of the peace of the counties of Clark, Franklin, Elbert, Tatnall and Wilkinson to appoint one or more overseers of roads in their respective districts, as the extent or number of the roads may require, and to apportion the hands between the several overseers; and where any road shall be a district line, that then and in that case it shall be the duty of the justices in each of the adjoining districts, to co-operate in the appointment of an overseer or overseers of such road, and also to proportion the hands for the same.

Overseers of roads in the counties of Clark, Franklin, Elbert, Tatnall and Wilkinson to be appointed, and the hands apportioned, by the justices of the peace.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each overseer so appointed may call out the hands, liable to work on their respective portions of road, twelve days in each year, and that said overseers shall retain their commissions for twelve months after their appointment.

The hands may be called out 12 days in each year.

Overseers appointed for 12 months.

SECT. 3. *And be it further enacted,* That where said roads shall require repairing, the overseer shall give at least three days notice to all persons subject to work within their respective districts, of the time and place of attendance, with such tools as he may deem necessary; and if any person subject to work on said road shall fail to attend agreeable to such notice, (or to perform the necessary duty required by said overseer,) together with all slaves owned by them, or under their care and management, liable to work as aforesaid, they shall be subject to the following fines, to wit: For the non-attendance of every free person and slave, the sum of one dollar each per day, to be recovered before any justice of the district where such defaulters may reside, unless the party making such default shall, within ten days thereafter, make such excuse, on oath, as may be deemed satisfactory to the overseer; and on all suits for the recovery

Hands, how notified.

Defaulters, liable to a fine, &c.

* See act of 1818, No. 499, to alter and amend the road laws of the state.

(No. 491.) of fines of defaulters, where a reasonable excuse is rendered, it shall be the duty of said justices to dismiss the same without costs.

Fines appropriated.

SECT. 4. *And be it further enacted*, That all fines so as aforesaid incurred and collected, shall be one half for the use of the overseer, and the other half to be paid to the clerk of the Inferior Court for county purposes.

Neglect on the part of overseers to be reported to the judges of the Superior Court by the justices of the peace.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of each and every justice of the peace of the counties aforesaid, to report to the judges of the Superior Court any neglect of duty in any overseer or overseers of roads in his or their district, at the first session of the said court after such neglect may have occurred.

Overseers, how fined for neglect of duty.

SECT. 6. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the judge of the Superior Court, to whom information shall be given, (by any justice of the peace or other person,) of any overseer or overseers of roads neglecting his or their duty, to fine such overseer or overseers so neglecting their duty, in a sum not more than forty dollars, nor less than two dollars; which fine, when collected, shall be paid over to the clerk, subject to the order of the Inferior Court.

The justices of the Inferior Courts in the several counties (Camden, Glynn, Wayne and McIntosh excepted) authorized to hear and determine all road matters. Proviso.

SECT. 7. *And be it further enacted*, That the justices of the Inferior Courts of each county in this state, except Camden, Glynn, Wayne and McIntosh, or a majority of them, shall have power and authority to hear and determine all matters which may come before them, relative to roads, bridges, &c. as heretofore authorized by law, either in term time, or while sitting for ordinary purposes, as occasion may require: *Provided*, that nothing herein contained shall prevent the judge of the Superior Court from remitting fines imposed under this act, at a subsequent session of said court.

Repealing clause.

SECT. 8. *And be it further enacted*, That all laws and parts of laws that militate against this act are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT.

(No. 492.)

To amend an act, entitled An act to authorize Russell Goodrich, Nicholas Byers, David Russell, Arthur H. Hanley and John Lowry, to open a road from the head of boatable water on Tugalo river, the most direct route to fall into the road at Samuel Thompson's, on Nine Mile Creek, in East Tennessee, and to incorporate them into a company, by the name of the Unaca or Unacoi Turnpike Company.

WHEREAS, the time given by the third section of said act, for the completing the Preamble said road, was insufficient;

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the said Unacoi Turnpike Company shall have until the first day of November, eighteen hundred and eighteen, for the completing of said road.*

Time in which
said road shall
be completed
extended to
the 1st of Nov.
1818.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 493.)

AN ACT*

To repeal the seventh section of an act, passed the twelfth day of December, eighteen hundred and fifteen, and to regulate the Road Fines and Labour in the county of Glynn, so far as respects the islands of St. Simons and Jekyll, and for other purposes.

Who shall
work on the
main.

Penalty on de-
faulters.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, every free person or slave, subject to road duty upon the islands of St. Simons and Jekyll, in the county of Glynn, shall be subject to perform road duty on the main, and in failing so to do, the said free person and owner or owners of such slaves shall be subject to a fine of fifty cents per day for each defaulter, to be recovered as heretofore pointed out by law.

Repealing
clause.

SECT. 2. *And be it further enacted,* That so much of the before recited act as is repugnant to the provisions of this be, and the same is hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

* See act of 1818, No. 495, by which this act is altered.

AN ACT

(No. 494.)

To authorize the Inferior Courts of Baldwin and Putnam counties to build a Bridge across Little River, at or near the place where Butts's bridge formerly stood, and to remove, or cause to be removed, any obstructions that may operate to prevent the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Inferior Courts of the counties aforesaid are hereby authorized to let, to the lowest bidder, the building and keeping in repair a bridge across Little river, at or near the place where a bridge formerly stood, known by the name of Butts's bridge.

The Inferior Courts of said counties authorized to let out the building of a bridge across Little river.

SECT. 2. *And be it further enacted,* That whenever the undertaker or undertakers of the bridge as aforesaid shall be ready to raise the same, that he or they shall notify the commissioners appointed to let the same, that he or they is or are ready to raise said bridge; that it shall be the duty of the said commissioners to meet at the place where the bridge as aforesaid is to be raised; and if the owner or owners of the mill next below said bridge, on said river, should not then have drawn off the water, so as not to impair or hinder the raising of said bridge, or does not then draw off the water as aforesaid; that it shall then and in that case be the duty of the commissioners as aforesaid, to notify the said owner or owners of the said mill to comply with the provisions of this act; and in case the said owner or owners fail or refuse to comply as aforesaid, that it shall be the duty of the commissioners as aforesaid to sue for and recover the sum of thirty dollars for each day the owner or owners of said mill refuses to comply with the requisitions of this act, with all lawful cost, at the justice's court in the district where such owner or owners may reside; and the said commissioners shall pay over all the money collected as aforesaid to the Inferior Courts of the said counties, for county purposes: *Provided,* that previous to the institution of any such suit, five freeholders (two of whom shall be chosen by the owner or owners of said mill, and one by the commissioners appointed by the Inferior Court of each of said counties, and the four so appointed shall choose a fifth,) shall assess the amount of damages likely to be sustained in carrying the intention of this act into effect; which damages so assessed shall be paid out of the funds of said counties in proportion to the amount of their general tax: *And provided also,* that if the owner or owners of said mill should refuse so to appoint, when called on by the said commissioners for that purpose, the commissioners aforesaid may proceed as herein before pointed out.

The undertaker, when ready to raise said bridge, shall notify the commissioners.

Their duty and powers, relative to the mill below the place where said bridge is to be erected.

Proviso.

Proviso.

(No. 494.) SECT. 3. *And be it further enacted*, That the commissioners as aforesaid shall have removed, or cause to have removed, any other obstructions in said river that may operate to hinder or impair the raising of said bridge.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 495.)

AN ACT

To repeal part of the first section of an act, passed on the tenth day of December, eighteen hundred and seventeen, and to apportion the Road Labour in the county of Glynn, so far as respects the islands of St. Simons and Jekyll.

Who shall be liable to road labour on the main.

Fine on defaulters.

Repealing clause.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, not more than one-half of all the free persons or slaves, subject to road duty upon the islands of St. Simons and Jekyll, in the county of Glynn, shall be subject to road duty on the main; and in failing so to do, the said free person or persons, and owner or owners of such slaves, shall be subject to the same fine as regulated by the before recited act, to be recovered and appropriated as heretofore pointed out by law.

SECT. 2. *And be it further enacted by the authority aforesaid*, That so much of the before recited act as is repugnant to this act be, and the same is hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 496.)

To amend the Road Laws of McIntosh county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the commissioners of roads in McIntosh county, for the year eighteen hundred and nineteen, to allot and apportion at least fifty hands on the road leading from Fort Barrington to Mrs. Bagges, and to appoint three commissioners to superintend the working of said road.

50 hands to be allotted for the road leading from Fort Barrington to Mrs. Bagges, and 3 superintending commissioners to be appointed.

SECT. 2. *And be it further enacted,* That the commissioners aforesaid shall call out the said hands for twelve days at one time, (and but once in the year,) and the said commissioners shall first repair that part of said road lying between where Samuel Owens formerly lived and the Sand Hills; and the hands so called out to work, for twelve days at one time, shall be exempted from working on roads for the year one thousand eight hundred and twenty.

Hands, for what time to be called out, &c.

SECT. 3. *And be it further enacted,* That this act shall continue in force until the year one thousand eight hundred and twenty, and no longer: *Provided,* its expiration at that time shall not be construed to compel the hands that have worked twelve days at one time to again perform road duty in the year eighteen hundred and twenty.

Continuation of this act. Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 497.)

AN ACT

To repeal an act, entitled An act to revise and amend the Road Laws of this state, so far as respects the county of Laurens, passed the fourteenth of December, eighteen hundred and fifteen.

The recited
act repealed.

BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same, That the above recited act be, and the same is hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 498.)

AN ACT*

To authorize the Inferior Courts of the counties of Richmond and Jefferson to adopt such measures, in relation to the Roads and Bridges of their counties, as they may think proper, and to levy an extra tax when in their opinion it may be necessary, for repairing and keeping in repair the said Roads and Bridges.

The justices
of the Inferior
Courts of
Richmond and
Jefferson

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the justices of the Inferior Courts of the counties of Richmond and Jefferson, or a majority of them, shall be, and they are hereby vested with full power and authority to lay out roads, erect bridges, make fords*

* This act, so far as it relates to Jefferson county, is repealed by act of 1819, No. 500.

or causeways, and to adopt all and every such measures for repairing and keeping in repair the roads, bridges, fords and causeways already laid out, erected and made, and those which may be hereafter laid out, erected and made, within the limits of the said counties of Richmond and Jefferson, either by letting them out to the lowest bidder, or by employing persons, at the expense of the counties respectively, to make, erect or keep in repair the same, or to pursue any other course in relation thereto which, in their opinion, will best promote the interest of the said counties, and be most conducive to the public convenience. (No. 498.)

counties, vested with general powers relative to the roads, bridges, &c. thereof.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the justices of the Inferior Courts of the counties of Richmond and Jefferson, or a majority of them, shall be, and they are hereby authorized to levy a tax upon each and every person, liable to work upon the respective roads in the counties of Richmond and Jefferson, without the limits of the corporation of Augusta and Louisville, not exceeding one dollar upon each and every person so liable, including slaves, the tax upon whom shall be paid by their respective owners; which tax, when so levied and paid, shall exonerate the persons paying the same from all liability to work on the said roads, as heretofore practised, or in any other manner whatsoever.

May levy a tax upon persons liable to road labour; who, upon the payment of the same, shall be exempt from such labour.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the justices of the said Inferior Courts of the counties of Richmond and Jefferson, or a majority of them, shall have power and authority to levy an extra tax upon the inhabitants of the counties of Richmond and Jefferson, to such amount as they may think proper, for the purpose of raising a fund for the making, repairing and keeping in repair the roads, bridges, fords and causeways of said counties, whenever they may think the convenience of the inhabitants of the counties and the welfare of the public require it: *Provided*, the extra tax so imposed shall in no one year exceed fifty per cent. upon the tax paid by the inhabitants of Richmond and Jefferson counties to the state of Georgia.

May levy an extra tax for the purpose of keeping in repair roads, bridges, &c.

Proviso.

SECT. 4. *Be it further enacted,* That it shall be the duty of the receiver of tax returns of said counties, to enter, in the tax digest, the number of hands liable to work on the road as aforesaid, and the amount of tax they are or may be liable to pay.

Duty of the receiver of tax returns of said counties.

SECT. 5. *And be it further enacted,* That when said tax is imposed as above pointed out, the tax collector of said county shall, and he is hereby authorized and empowered, to collect the same; and the collector aforesaid shall be bound to the Inferior Court of said county in a bond, with ample security for the faithful collection and paying over the same, for which the said receiver and collector shall be allowed the usual per centum.

Duty of the collector.

(No. 498.) **SECT. 6.** *And be it further enacted,* That if the said roads in either of said counties, twelve months after the passage of this act, should at any time be out of repair, the said justices of the Inferior Courts respectively may be indicted, as commissioners of the road or roads, which they are hereby created by this law, and on conviction shall pay a fine at the discretion of the court, in a sum not exceeding five hundred dollars.*

Repealing
clause.

SECT. 7. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this law be, and the same are hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 499.)

AN ACT

To alter and amend the Road Laws of this state.

The justices
of the Inferior
Courts in the
several coun-
ties, required
to define and
point out road
districts.

The making
of new roads,
and the altera-
tion of old
ones, regulat-
ed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Courts in and for the several counties in this state, at the first session or term after the passing of this act, or as soon thereafter as convenient, shall proceed to define and point out as many and such districts as to them shall seem meet and proper, having due regard to proportioning said districts or divisions, so to divide the labour and expense of the roads, causeways and bridges, equally among the citizens and hands of the respective districts throughout the said counties. And on application to said court for any new road, or any alteration in an old road, the said justices shall proceed to appoint three discreet and proper persons, residing in the neighbourhood where such road is intended to pass; and in case they find it of public utility, they may proceed to mark out the same, on oath taken before any justice, and report to the said court, the clerk of which is hereby required to notify the commissioners here-

* This section repealed by act of 1819, No. 500.

inafter named of such report; and the justices of said Inferi^{or} Courts shall appoint (No. 499.) two or more commissioners, one of which shall be a justice of the peace; and in case of death, resignation or removal of the justice, the other two commissioners are hereby authorized to administer oaths relative to their duties of the roads, who shall be notified of such their appointment in writing, by the clerk of said court, within ten days after such appointment, under the penalty of forty dollars for every such default; and if any commissioner or commissioners, within ten days after the receipt of such notification, shall not make his or their resignation to some one of the justices aforesaid, such commissioner shall be considered as having accepted said appointment; and the commissioners so appointed, shall have full power and authority to proceed to apportion the roads and hands for the districts aforesaid; and in case of refusal, departure or decease of any such commissioners, the Inferior Courts in the counties aforesaid, shall have power to fill such vacancy, either in term time or vacation.

Commissioners of roads, how appointed, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all male inhabitants, mulattoes, and free negroes, and all male slaves from the age of sixteen to forty-five years, in the counties aforesaid, shall be, and they are hereby declared to be obliged to appear with such implements as directed by the overseer, and work on the several roads, causeways and bridges, within the several districts to which such male white inhabitants, mulattoes, free negroes and male slaves, shall have been allotted, pursuant to this act; or such male white inhabitants, mulattoes, free negroes and owners, managers or employers of such negroes or male slaves, shall be liable to the fines and penalties in this act defined and expressed.

Who shall be liable to road labour.

SECT. 3. *And be it further enacted,* That the commissioners appointed under this act, or a majority of them, shall, and they have hereby full power and authority to appoint one or more person or persons, within their several districts, as overseers, to summon all such persons as are obliged to work within the said districts, at least three days before the time of working, stating the time and place of meeting, with such implements as shall be deemed necessary for the repairing of the road, and at such times of the year, as, in his opinion, the roads may require repairing, (not to exceed five days at any one time of working, nor to exceed fifteen days in twelve months, unless emergencies require it,) to repair and work on the roads, causeways and bridges, within the same. And the several owners, managers or employers of male slaves, within the several districts, shall, when summoned as aforesaid, deliver to the person summoning him, her or them, a list of all such male slaves as are by this act liable to work on said roads, in writing, signed by such owner, manager or employer, under a penalty of three dollars for each hand; which list the person summoning shall deliver to any one of the commissioners, in the district in which he was appointed to summon as aforesaid.

Commissioners to appoint overseers.

Owners, &c. of slaves to render a list of such as are liable to road labour.

(No. 499.) **SECT. 4.** *And be it further enacted,* That every male white inhabitant, free negro or mulatto, who, being duly summoned to work in the respective districts, wherein such male white inhabitants, free negroes or mulattoes, are obliged to work by this act, shall neglect or refuse to obey such summons, he shall, for each day he should so refuse or neglect to appear and work as aforesaid, forfeit a sum not less than one dollar, nor more than three dollars, (commissioners aforesaid excepted,) for each hand so in default.

Executions against defaulters, how, by whom, and in what cases to be issued.

Duty of constables, with regard thereto.

The money so collected, how disposed of.

Proviso.

Duty of overseers.

Liable to a fine for neglect of duty.

How proceeded against.

When a road forms a district line, overseers thereof, how appointed.

SECT. 5. *And be it further enacted,* That it shall be the duty of the commissioners, or a majority of them, to issue executions against defaulters, under their hands and seals, directed to any lawful constable of the district, for the amount of all fines by them imposed by this act, unless a satisfactory excuse be rendered to them on oath within twenty days, by the person or persons returned by the overseer as defaulters; and it shall be the duty of the constable to levy and collect such fines, in the same way and manner as executions issuing from the justices' courts; and when collected, the said constable shall, within ten days, pay over the amount collected to the commissioners, or any one of them, one half of which shall be paid by the commissioners to the overseer, and the remainder, together with any fines which may be collected from overseers, shall be paid to the Inferior Court, and applied to the building and repairing bridges in their counties: *Provided,* that overseers shall not be witnesses against defaulters to any other fact than that of summoning to work on the said roads.

SECT. 6. *And be it further enacted,* That it shall be the duty of all overseers appointed, or that may be hereafter appointed, to superintend the working on and repairing the road or roads laid out and assigned by the commissioners to their superintendence, and cause the same to be well worked on, and repaired in the best possible manner, which the situation of the land over which said roads shall pass will admit of, and to make a return to the commissioners, or some one of them, within five days after every time of working on said roads, a list of all defaulters and deficiencies which may have taken place during such time of working on said road. And when any overseer shall, at any time within twelve months after his appointment, neglect or refuse faithfully to discharge the duties required of him as overseer, shall be subject to a fine, not exceeding twenty dollars; and it shall be the duty of the commissioners to notify such overseer of any failure of duty; and unless satisfactory excuse be given to said commissioners, or a majority of them, within twenty days after such notice being given, they shall issue execution against such delinquent overseer, for the sum for which he had laid himself liable, as pointed out by this act, directed to any constable in the district where such overseer may reside, for the collection of said fine.

SECT. 7. *And be it further enacted,* That when any road may be a district line, the commissioners of each district shall meet and co-operate in appointing overseers on

such roads; and where any dispute may happen relative to district lines, the commissioners of each district shall cause the line to be plainly marked out and designated. (No. 499.)

Commissioners shall cause district lines to be plainly marked out, should any dispute occur relative thereto.

SECT. 8. *And be it further enacted,* That all overseers shall cause their respective roads to be cleared out at least thirty feet wide, and all causeways at least sixteen feet wide. How wide roads, &c. shall be cleared out.

SECT. 9. *And be it further enacted,* That when any person shall hereafter make any fence, or cut any tree, or make other obstructions in or across any public road, the commissioners may be notified of the obstructions, if the same do not come under their knowledge, or any one of them, (and unless removed in two days,) such persons shall, for every such offence, pay a fine not exceeding twenty dollars, to be recovered by warrant, under the hand and seal of any justice of the peace, to be applied as is herein directed; and it shall be the duty of the overseer of the road forthwith to cause the said obstructions to be removed. Persons obstructing roads, how proceeded against.

SECT. 10. *And be it further enacted,* That all overseers are hereby authorized to make use of any timbers, for the use of the road upon which they may be required to work on, except board and shingle timbers. Overseers may appropriate any timbers for the use of roads, except boards and shingles.

SECT. 11. *And be it further enacted,* That when it shall be necessary to have bridges over any water-course which divides one county from another, the Inferior Courts of each county shall join in appointing commissioners for the building of and keeping in repair the same; and the expenses thereof shall be defrayed by both counties, in proportion to the amount of the general tax of each, to be estimated by the digest of the general tax taken next before such contract. Proceedings regulated, when a bridge is required over a stream, which divides one county from another.

SECT. 12. *And be it further enacted,* That when any public bridge shall require repairing, it shall be the duty of the commissioners, or any one of them, to give notice in writing thereof to the undertaker, or one of his securities, stating the repairs necessary to be made, and requiring the same to be made within a reasonable time, to be set forth in the said notice; and if the same shall not be made within such time, such commissioner or commissioners shall employ some other person or persons forthwith to make such repairs, and shall, immediately thereafter, issue an execution against such undertaker and his securities, for the amount given for the said repairs, with cost. The repairing of bridges provided for.

SECT. 13. *And be it further enacted,* That when any commissioner, appointed for letting out any public bridge, under and by virtue of this act, shall undertake the build- When a commissioner, appointed to let

(No. 499.) ing and keeping in repair the same, or shall become the security for any other person so undertaking, the powers of such commissioner shall from thenceforward cease and determine, and the Inferior Court of the county shall appoint one other in his room. any public bridge, becomes the undertaker, or a security for the undertaker, his place shall be vacated, &c.

Commissioners liable to a fine, not exceeding \$60, for neglect of duty.

SECT. 14. *And be it further enacted*, That in all cases where the justices of the Inferior Courts have, or may hereafter appoint commissioners in their respective districts, according to the provisions of this act; and the commissioners so appointed, shall, any time within twelve months after their appointment, neglect or refuse to discharge the duties required by this act, and sufficient proof thereof being made to the Inferior Court, shall be fined in a sum not exceeding sixty dollars, for every such refusal or neglect of duty; which fines, when collected, shall be by the Inferior Court appropriated to the building and keeping in repair the public bridges within the county.

Vacancies by resignation, how filled.

SECT. 15. *And be it further enacted*, That when any of the commissioners as aforesaid shall resign, the justices of the Inferior Court, or a majority of them, shall, in term time or vacation, appoint other fit and proper person or persons in their stead, who shall be subject to the like services and penalties as pointed out by this act, and shall also continue to discharge the duties required of them, for the term of one year from the date of their appointment, and until they shall signify their resignation to the justices of the Inferior Court.

Vacancies by death, removal, &c.

SECT. 16. *And be it further enacted*, That in case where any vacancy may happen by death, removal or other disability, the justices of the Inferior Court, or a majority of them, shall proceed to fill such vacancy, either in term time or vacation; and the person so appointed shall be subject to the like duties and penalties as all other commissioners are, appointed by virtue of this act.

Commissioners shall hear and determine all cases of default. Proviso.

SECT. 17. *And be it further enacted*, That the commissioners so appointed, or a majority of them, shall hear and determine on all cases of default, for neglect of duty required by this act: *Provided*, such hearing and determining shall be within thirty days after such default: *Provided*, the party in default shall have ten days notice, in writing, from the overseer, to be left at his usual place of residence, of the time and place of hearing and determining such default.

Appropriation of monies, collected under this act.

SECT. 18. *And be it further enacted*, That all monies collected by virtue of this act, except such as are otherwise provided for, shall be by the commissioners aforesaid paid into the hands of the clerk of the Inferior Court, to be applied to the repairing the public bridges and causeways.

SECT. 19. *And be it further enacted*, That in all cases, where commissioners have (No. 499.) been, or may hereafter be appointed, for the purpose of reviewing any new road intended to be laid out, and shall report to the Inferior Court the propriety of opening the same, the said court may, if they or a majority of them deem it advisable, pass an order for opening such road.

Inferior Court may pass orders for opening new roads in certain cases.

SECT. 20. *And be it further enacted*, That in case any commissioner or commissioners, appointed by virtue of this act, shall neglect or refuse to discharge the duties required of them, as pointed out by this act, and information thereof being lodged with the justices of the Inferior Court by any person, it shall be the duty of the said court to notify such commissioner or commissioners of such information; and unless excuse be offered to the satisfaction of the justices of said court, or a majority of them, within thirty days after such notice being given, they shall direct the clerk to issue execution against any such delinquent commissioner or commissioners, for the sum for which he had laid himself or themselves liable, as pointed out by this act, directed to any constable in the district where such commissioner may reside, for collection of said fine, and to return the same at the next term of the said court; for which services the constable collecting and returning the same shall receive from the justices of the Inferior Court the usual fees out of the money so collected.

Proceedings against commissioners, who shall neglect or refuse to discharge the duties required of them.

SECT. 21. *And be it further enacted*, That from and after the first day of June next, it shall be the duty of all overseers of roads, leading from the court-house of their respective counties within this state, in addition to his duties herein required of them by this act, to measure all that part of the road to which they may be appointed overseers, commencing at the said court-house, and at the end of each mile to set up a post or mark on some conspicuous place, which shall designate the number of miles from thence to the court-house as aforesaid.

Overseers of roads leading from court-houses, required to measure the same, and to set up mile-posts.

SECT. 22. *And be it further enacted*, That where it shall so happen, that in measuring from the court-house as aforesaid to the end of the district to which they are appointed overseer, and the distance shall not be an equal number of miles, the overseer of the same road, in the next adjoining district, shall be compelled to commence at the last mile-post in the district thus measured, unless such district shall end at some county line; then and in that case the overseer of such district shall, by some post or mark, designate the distance from such county line to the court-house of their respective counties as aforesaid.

What shall be done, when the overseer comes to the end of his district, if the distance be not an equal number of miles.

SECT. 23. *And be it further enacted*, That it shall be the duty of all overseers as aforesaid, at the fork of each public road within their respective districts to place or post up, in some conspicuous place, a board or other mark, designating on the same the most public place to which each road directs.

Sign-posts to be set up at the forks of public roads

(No. 499.) *SECT. 24. And be it further enacted,* That all public roads, leading from any sea-port or other town, shall be measured from thence until it intercepts the first court-house or county town.

Roads leading from a sea-port or other town, how measured.

SECT. 25. And be it further enacted, That when any public road as aforesaid shall be altered, so as to make it necessary to remove any post, it is hereby made the duty of the overseer of said road to remove such post, or set up others in such manner as to answer the purpose contemplated by this act.

When a road is altered, the overseer shall remove said posts, or set up others.

SECT. 26. And be it further enacted, That in case any of the overseers should fail or omit to measure, post and mark their respective roads, as contemplated by this act, or omit to set up sign-boards as above contemplated, shall forfeit and pay a sum not exceeding twenty dollars, to be recovered as other fines before recited in this act, and appropriated to the same purposes.

Overseers liable to a fine not exceeding \$20, for not measuring said roads, &c. &c.

SECT. 27. And be it further enacted, That all public roads shall be laid out the nearest and best way to the place to which they are intended, and that the commissioners of roads shall be required in all cases to designate the same on oath, if required by the court.

Commissioners to designate roads on oath, if required by the court.

SECT. 28. And be it further enacted, That if any person or persons shall remove or deface the said posts, boards or marks, they shall forfeit and pay a sum not exceeding thirty dollars for each and every offence, to be recovered before any court having competent jurisdiction of the same, one half to the county and the other half to the informer; and if the same offence should be committed by a slave or slaves, or any free person or persons of colour, he, she or they shall receive, on conviction, not exceeding thirty-nine lashes, on his, her or their bare backs, to be inflicted by the order of any justice of the peace of the district where the offence was committed.

Penalty for removing or defacing said posts, &c.

SECT. 29. And be it further enacted, That the justices of the Inferior Courts of each county in this state, or a majority of them, shall have power and authority to hear and determine on all matters which may come before them, relative to roads, bridges, &c. as are authorized by law, either in term time or while sitting for ordinary purposes, or at any special meeting held for that purpose.

Justices of the Inferior Court shall hear and determine road matters, either in term time, or whilst sitting as a court of ordinary, or at any special meeting for the purpose.

SECT. 30. And be it further enacted, That this act shall not be so construed, so as to cause the justices of the Inferior Courts, to lay out and designate again those districts which have heretofore been laid out and designated according to the requisitions of this act.

Said justices not required to designate anew those districts already laid out agreeably to the requisitions of this act.

SECT. 31. *And be it further enacted*, That the commissioners so appointed shall keep a (No. 499.) book, and enter down in writing all fines which may arise from default, and return the same annually to the Inferior Court, in order to show the amount of fines, if any collected; and in failing to comply with the requisitions as are herein stated, to be subject to a fine not exceeding one hundred dollars, imposed by the court, collected as other fines, and paid over to the clerk of the Inferior Court for county purposes.

Commissioners to make an entry of all fines in a book, which shall be returned annually to the Inferior Court. Penalty for not doing so.

SECT. 32. *And be it further enacted*, That the following counties, to wit: Richmond, Burke, Jefferson, Chatham, Bryan, M^cIntosh, Glynn, Camden, Liberty and Effingham shall be, and they are hereby declared to be exempted from the operation of this act.*

Certain counties exempt from the operation of this act.

SECT. 33. *And be it further enacted*, That the Inferior Courts shall have power to establish ferries, to rate the toll to be taken, as well of those already established as any which may hereafter be established, within the several counties in which they may severally reside: and generally all other matters relative to ferries, which may, in their judgment, be of public utility, any law to the contrary notwithstanding: *Provided* nevertheless, that in all cases where the Inferior Court have, or shall establish a ferry over any water-course, they are hereby authorized and required to cause every such person to give bond and sufficient security, in such sum as they may think proper, conditioned for their keeping in repair a good and sufficient flat and attendance.

Power of the Inferior Courts relative to ferries.

Proviso.

SECT. 34. *And be it further enacted*, That the second section of an act, entitled An act to empower the Inferior Courts of the several counties in this state to order the laying out of public roads, and to order the building and keeping in repair the public bridges, passed the 4th day of December, seventeen hundred and ninety-nine, be, and the same is hereby declared in full force and effect, where the same is not repugnant to any of the provisions of this act.

A part of an act of 1799 declared to be in force.

SECT. 35. *And be it further enacted*, That all road laws heretofore passed, from the sixteenth of December, eighteen hundred and eleven, which militate against this law, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

* This section repealed as to Jefferson county, by act of 1819, No. 501.

(No. 500.)

AN ACT

To repeal an act, passed on the 18th day of December, eighteen hundred and eighteen, (so far as relates to the county of Jefferson,) entitled "An act to authorize the Inferior Courts of the counties of Richmond and Jefferson to adopt such measures, in relation to the Roads and Bridges of their counties, as they may think proper ; and to levy an extra tax, when in their opinion it may be necessary, for repairing and keeping in repair, the said Roads and Bridges," and to repeal the sixth section of said act.

So much of
the recited act
as relates to
Jefferson
county, re-
pealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, so much of the before recited act as relates to Jefferson county be, and the same is hereby repealed, and its operation from this date declared null and void.

The 6th sec-
tion of the re-
cited act re-
pealed.

SECT. 2. *And be it further enacted,* That the sixth section of the above recited act be, and the same is hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 30th November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 501.)

To repeal so much of the thirty-second section of an act, entitled An act to alter and amend the Road Laws of this state, so far as respects the county of Jefferson, passed on the 19th December, eighteen hundred and eighteen.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the said thirty-second section of the before recited act be repealed, so far as relates to the county of Jefferson.

A part of the recited act relative to Jefferson county, repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 502.)

To alter and amend the 8th section of an act, passed the 12th day of December, eighteen hundred and fifteen, regulating Roads in the county of Glynn.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, that the treasurer of the academy of Glynn county shall pay over all monies that have been placed in his hands, for safe keeping, by the commissioners of the public roads in the county of Glynn, or that*

The treasurer of Glynn academy require to pay over to the orders of

(No. 502.) may hereafter be placed in his hands by said commissioners, to the orders of the justices of the Inferior Court of said county: all laws militating against the provisions of this act be, and the same are hereby repealed.

the justices of
the Inferior
Court, all mo-
nies placed in
his hands by
the commis-
sioners of pub-
lic roads.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

SLAVES AND FREE PEOPLE OF COLOUR.

AN ACT*

1811.

(No. 503.)

To establish a Tribunal for the trial of Slaves within this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, upon complaint being made to, or information received upon oath by any justice of the peace, of any crime having been committed by any slave or slaves, within the county where such justice is empowered to act, such justice shall, by warrant from under his hand, cause such slave or slaves to be brought before him, and give notice thereof, in writing, to any two or more of the nearest justices of the peace of said county, to associate with him on a particular day in said notice to be specified, not exceeding three days from the date of said notice, for the trial of such slave or slaves. And the justices so assembled shall forthwith proceed to the examination of a witness or witnesses and other evidence; and in case the offender or offenders shall be convicted of any crime not capital, the said justices, or a majority of them, shall give judgment for the inflicting any corporal punishment, not extending to the taking away life or member, as in their discretion may seem reasonable and just, and shall award and cause execution to be done accordingly; and in case it should appear to them, after investigation, that the crime or crimes, wherewith such slave or slaves stand charged, is a crime or crimes for which he, she or they ought to suffer death, such slave or slaves shall immediately be committed to the public

Slaves, how apprehended and tried for offences committed by them.

Punishment.

If it should appear to the justices that the crime is of a capital nature, the slave shall be committed to jail.

* See act of 1815, No. 504, which extends the jurisdiction of the tribunal herein established to offences committed by free people of colour: but see more especially act of 1816, No. 508, "for the trial and punishment of slaves and free people of colour."

(No. 503.) jail of said county, if any: *Provided*, it should be sufficient; or to the custody of the sheriff of said county; or to the nearest sufficient jail thereto.

The manner and time of notifying the justices of the Inferior Court, &c. to meet for the trial of such slave, prescribed.

SECT. 2. *And be it further enacted*, That the said justices shall, within three days next thereafter, give notice, in writing, to one of the justices of the Inferior Court of said county, of such commitment, with the names of the witness or witnesses; and such justice of the Inferior Court shall, within three days after the receipt thereof, give notice in writing, of such commitment, to the justices of the Inferior Court, or a majority of them, together, with the clerk of said court, requiring their attendance at the court-house of said county, on a particular day in said notice to be specified, not exceeding five* days from the date thereof, for the trial of such slave or slaves; and shall also, at the same time, direct the sheriff of said county, whose duty it shall be to summon a jury of twelve free white persons of said county, to be drawn in the manner hereinafter pointed out, to attend in like manner.

The justices, &c. shall meet accordingly.

The charge, how and by whom made out.

SECT. 3. *And be it further enacted*, That it shall be the duty of such justices, clerk and jurors, to attend accordingly; and the said court, when so assembled, shall cause the clerk† of said court to commit the charge or accusation alleged against such slave or slaves to writing, therein particularly setting forth the time and place of the offence, and the nature thereof.

A jury to be empannelled and sworn.

SECT. 4. *And be it further enacted*, That the said court shall cause twelve persons of those summoned to be empannelled and sworn (the usual oath on such occasions made and provided) as jurors, to whom the said charge or accusation in writing, and the evidence shall be submitted.

If the jury find a verdict of guilty, the court shall pronounce sentence of death, or a less punishment. Proviso. Proviso.

SECT. 5. *And be it further enacted*, That the said jurors by their verdict shall say whether such slave or slaves are guilty or not guilty; and if the verdict of guilty should be returned by such jury, the court shall immediately pronounce sentence of death by hanging, or such other punishment not amounting to death: *Provided*, that the said court, by their sentence so to be pronounced as aforesaid, shall not suspend such execution for more than thirty days, nor less than five days next after such sentence: *Provided nevertheless*, that in all cases where the sentence does not extend to death, the punishment shall be inflicted as soon as convenient, at the discretion of said court.

* "Not exceeding 10 days." See act of 1816, No. 508, sec. 7.

† In all prosecutions for a capital offence against any slave or free person of colour, the clerk of the Inferior Court shall act as the prosecuting officer. See act of 1817, No. 509, sec. 3.

SECT. 6. *And be it further enacted*, That the said court, so constituted as aforesaid, (No. 503.) shall immediately proceed to such trial, unless it should appear necessary for the said court, either for the want of sufficient proof, or any other sufficient reason, to delay the same as in their judgment may seem for the furtherance of justice.

The court to proceed to trial, unless there be good cause for a delay thereof.

SECT. 7. *And be it further enacted*, That it shall be the duty of the clerk to make a record of the proceedings against such slave or slaves, separate and distinct from other records of his office, and shall also issue subpoenas and other writs necessary to procure the attendance of a witness or witnesses, at the instance of either party; and that in all cases respecting the admission of evidence against people of colour shall be the same as heretofore practised in this state.

The clerk to make a record of the proceedings separate and distinct from other records of his office, and shall issue subpoenas, &c. Admission of evidence, the same as heretofore.

SECT. 8. *And be it further enacted*, *That the justices of the Inferior Court, at their regular terms, shall draw, in the manner pointed out by law, not more than thirty-six nor less than twenty-six jurors, twenty-four of whom shall be directed by such justice of the court to be summoned as aforesaid, to attend at the day and place pointed out for the trial of such slave or slaves, in manner aforesaid; and in case a sufficient number of those summoned should not attend, the said court shall direct the pannel to be made up by talismen; and all defaulting jurors so summoned, in the manner pointed out by this act, shall be fined as in other cases pointed out by law: *Provided nevertheless*, that in case of failure in the Inferior Court to draw such jury at their regular term, they, or any two of them, are hereby authorized to draw the same at any time thereafter, as circumstances may require.

Jurors, how drawn and summoned.

Talismen. Defaulting jurors to be fined as in other cases.

SECT. 9. *And be it further enacted*, That the owner or manager of such slave or slaves shall have the right of challenging seven of the said number summoned, and the said court five, on the part of the state, and the remaining twelve shall proceed to the trial of such slave or slaves.

Challenging of jurors regulated.

* So much of this section as relates to the drawing of jurors is repealed, and another provision in lieu thereof substituted, by the 9th section of the act of 1816, No. 508.

(No. 503.) SECT. 10. *And be it further enacted*, That all laws or parts of laws heretofore passed on this subject militating against this act be, and the same are hereby repealed.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 504.)

AN ACT*

To point out the mode of Trial of offences committed by Free Persons of Colour.

The act of 1811, establishing a tribunal for the trial of slaves, extended to free people of colour.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That an act passed at Milledgeville, on the 16th day of December, 1811, entitled An act to establish a tribunal for the trial of slaves within this state; the court therein established is hereby made a tribunal for offences committed by free persons of colour, to all intents and purposes, as if the words free persons of colour had been inserted in the caption, and every section of the said act to establish a tribunal for the trial of slaves within this state.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 23d November, 1815.

D. B. MITCHELL, GOVERNOR.

* See act of 1816, No. 508.

AN ACT

(No. 505.)

*To alter and amend the third *section of an act, entitled An act prescribing the mode of manumitting Slaves in this state.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority aforesaid, That so much of the third section of the above recited act as prohibits the clerks of the several courts of ordinary from recording any deed of manumission, or other paper which shall have for its object the manumitting and setting free any slave or slaves, under a certain penalty for so doing, so far as the same relates, or is construed to relate, to last wills and testaments, be, and the same is hereby repealed.*

A part of the
recited act re-
pealed.

SECT. 2. *And be it further enacted, That it shall and may be lawful for the clerks of the several courts of ordinary in this state, and it is hereby made their duty to record any last will and testament which may be offered for record: Provided, such last will or testament does not have for its object the manumission of slaves only.*

Clerks of the
courts of Or-
dinary shall
record any
last will and
testament.
Proviso.

SECT. 3. *And be it further enacted, That all acts and parts of acts militating against this act be, and the same are hereby repealed.*

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

* See second section of the act of 1818, No. 512.

(No. 506.)

AN ACT

To compel owners of old or infirm Slaves to maintain them.

Duty of the
Inferior
Courts, rela-
tive to infirm
slaves in a
suffering con-
dition.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act it shall be the duty of the Inferior Courts of the several counties in this state, on receiving information, on oath, of any infirm slave or slaves being in a suffering situation, from the neglect of the owner or owners of such slave or slaves, to make particular inquiries into the situation of such slave or slaves, and render such relief as they in their discretion may think proper.

Said courts
may sue and
recover from
the owner of
such slave the
amount of any
appropriation
made by them.

SECT. 2. *Be it further enacted,* That the said courts may, and they are hereby authorized to sue for and recover from the owner or owners of such slave or slaves, the amount that may be appropriated for the relief of such slave or slaves, in any court having jurisdiction of the same, any law, usage or custom to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 507.)

To prohibit Slaves from selling certain commodities therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

That from and after the first day of January next, if any person or persons shall buy or receive from any slave or slaves any money, cotton, tobacco, wheat, rye, oats, or corn, without a ticket authorizing such slave or slaves to dispose of such money, specially specifying the sum so intended to be laid out, the quantity of cotton, tobacco, wheat, rye, oats or corn which such slave or slaves may intend to dispose of, from his, her or their owner or overseer or overseers, as the case may be, such person or persons so offending shall forfeit and pay to the informer, on conviction thereof before any one or more justices of the peace of the district where such crime was committed, or of the county wherein such district may be, the sum of fifteen dollars, and to one of the presiding justices of the peace upon such trial, the further sum of fifteen dollars, to be recovered by execution and sale, in the usual and summary way of justices' courts, together with all legal cost, for county purposes, or for the use of the poor of the county where such offence may have been committed, under the direction of the Inferior Court of each county where such offence was committed: *Provided nevertheless*, that where either party may feel themselves aggrieved, they or either of them shall be entitled to an appeal to a jury of said district; which trial and after proceedings shall be held and conducted in the same way and manner as other appeal cases are conducted before justices of the peace.

Persons receiving money, or buying cotton, tobacco, wheat, rye, oats, or corn, from a slave, without a ticket from the owner, &c. how punished

Proviso, as to appeals.

SECT. 2. *And be it further enacted*, That if any person or persons shall purchase any of the aforesaid articles from any slave or slaves, with or without a lawful ticket, after sunset and before sunrise, or on the Sabbath day, he, she or they shall be held, deemed and considered guilty, as fully and effectually as if no such showing or ticket was made or existed.

Persons purchasing said articles of a slave, with or without a ticket, after sunset and before sunrise, or on the Sabbath, deemed guilty.

SECT. 3. *And be it further enacted*, That if any slave or slaves, mulatto or free person of colour, shall purchase any of said commodities from any slave or slaves whatsoever, without the special permission of the owner, manager or overseer of said slave or slaves, he, she or they shall, on conviction thereof, before any justice or justices of the peace

Any slave, mulatto, or free person of colour, who shall purchase any of said commodities from a slave, without permission from the owner, &c. how punished.

* This act is altered and amended by act of 1818, No. 511, which is the operative law on this subject.

(No. 507.) for the county where such offence was committed, receive on his, her or their bare back thirty-nine lashes, to be well laid on, by any constable of said county, from and after the first day of January next.

Repealing
clause.

SECT. 4. *And be it further enacted*, That all laws and parts of laws that militate against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 508.)

AN ACT*

For the trial and punishment of Slaves and Free People of Colour.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the General Assembly of the state of Georgia, and it is hereby enacted by the authority of the same,*

What shall be
capital offen-
ces, when
committed by
a slave, or free
person of co-
lour.

That the following shall be considered as capital offences, when committed by a slave or free person of colour: insurrection, or any attempt to excite it; poisoning, or attempting to poison; committing a rape, or attempting it, on a free white female; assaulting a free white person with intent to murder, or with any weapon likely to produce death; maiming a free white person; burglary, or arson of any description, as contained in the penal code of this state; murder of another slave or free person of colour: every and each of these offences shall, on conviction, be punished with death. And if any free person of colour commits the offence of inveigling or enticing away any slave or slaves, for the purpose of, and with the intention to aid and assist such slave or slaves, leaving the service of his or their owner or owners, or in going to another state, such person so offending shall, for each and every such offence, on conviction, be confined in the penitentiary at hard labour for one year, and at the expiration of their imprisonment, to be sold to the highest bidder as a slave, for and during the term of their natural lives.

Punishment.
Free persons
of colour, who
shall entice or
inveigle away
a slave, how
punished.

* See act of 1817, No. 509, amendatory of this act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all other offences committed by a slave or free person of colour, either against persons or property, or against another slave or person of colour, shall be punished at the discretion of the court before whom such slave or person of colour shall be tried; such court having in view the principles of humanity in passing sentence; and in no case shall the same extend to life or limb.

(No. 508.)
All other offences committed by slaves, or free people of colour, are punishable at the discretion of the court, but to life or limb.

the sentence shall not extend

SECT. 3. *And be it further enacted by the authority aforesaid,* That in every case of conviction for a capital felony, the owner of the slave or guardian of the free person of colour convicted, may apply to the court before which the conviction shall have taken place, and obtain a suspension of the execution of the sentence, for the purpose of applying to the Governor for a pardon; and it shall be in the power of the Governor to grant such pardon, or to commute the punishment of death for that of imprisonment for life in the penitentiary, or for such a period of time as he may think proper to order and direct.*

The execution of the sentence in the capital cases may be suspended, for the purpose of applying for a pardon. The Governor may grant a pardon, or commute the punishment. In cases not capital, the court may in its discretion suspend the execution of the sentence for the purpose aforesaid.

SECT. 4. *And be it further enacted by the authority aforesaid,* That on a conviction for any other offence, not punishable with death, the court may at its discretion grant a suspension of the execution of the sentence, for the purpose of enabling the owner of a slave or guardian of a free person of colour to apply to the Governor for a pardon, or a commutation of the punishment, in such manner and upon such terms and conditions as he may think proper to direct.

SECT. 5. *And be it further enacted by the authority aforesaid,* That on the trial of a slave or free person of colour, any witness shall be sworn who believes in God and a future state of rewards and punishments.

Competency of witnesses.

SECT. 6. *And be it further enacted by the authority aforesaid,* That every slave or free person of colour, charged with any offence contained in this act, shall be arrested and tried, pursuant to an act, entitled An act to establish a tribunal for the trial of slaves within this state, passed the 16th day of December, 1811, and the 7th, 8th and 9th sections of this act, and shall receive sentence agreeable to the requisitions contained in this act.

Slaves and free people of colour, how tried, &c.

SECT. 7. *And be it further enacted,* That from and after the first day of March next, that when any justice of the Inferior Court shall have received notice of the commit-

Duty of the justice of the Inferior Court who

* So much of this section as relates to the commutation of punishment, is repealed by the 1st section of the act of 1817, No. 509.

(No. 508.) ment of any slave or slaves, or free person or persons of colour, (under the description of a free negro or negroes, mulatto or musteezoos,) to jail, in pursuance of the second section of an act, entitled An act to establish a tribunal for the trial of slaves in this state, passed the 16th day of December, 1811; that it shall be the duty of the said justice of the Inferior Court, within three days after the receipt thereof, to give notice in writing of such commitment, to the justices of the Inferior Court, or a majority of them, together with the clerk of said court, requiring their attendance at the court-house of said county where such slave or slaves, or person or persons of colour, as aforesaid, may have been committed, on a particular day in said notice to be specified, in writing, not exceeding ten days from the date of said notice.

Passing of sentence may be suspended for two days.

SECT. 8. *And be it further enacted*, That where any jury may find a verdict of guilty against any such slave or slaves, or person or persons of colour as aforesaid, in pursuance of the 5th section of the act referred to in the preceding section, it shall and may be lawful for the said court to suspend the passing sentence against such slave or slaves, or person or persons of colour as aforesaid, for any term of time not exceeding two days.

A part of the act of 1811, relative to the drawing of jurors, repealed, and another provision substituted.

SECT. 9. *And be it further enacted*, That so much of the 8th section of the before recited act, as requires the justices of the Inferior Courts in this state to draw a jury of thirty-six, at their regular terms, for the trial of such slave or slaves, or person or persons of colour as aforesaid, shall be, and the same is hereby repealed; and in lieu of such regular drawing of jurors, it shall be the duty of such justices, or a majority of them, forthwith after being notified of such commitment as aforesaid, to cause to be drawn fairly and impartially from the jury-box, the names of persons subject to serve as jurors, not less than twenty-six, nor more than thirty-six jurors, who shall be summoned according to the requisitions of the before recited act, to attend at the time and place pointed out for the trial of such slave or slaves, or person or persons of colour, by the said justices of the Inferior Court.

Repealing clause.

SECT. 10. *And be it further enacted by the authority aforesaid*, That all laws or parts of laws repugnant to this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 509.)

To amend an act, entitled An act for the Trial and Punishment of Slaves and Free Persons of Colour, assented to the 19th day of December, 1816.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted,* That so much of the third section of the above recited act, as authorizes the Governor to commute the punishment of death for that of imprisonment in the penitentiary, be, and the same is hereby repealed.

A part of the 3d section of the recited act relative to the commutation of punishment repealed.

SECT. 2. *And be it further enacted,* That in all cases where the jury, on the trial of any slave or free person of colour, shall return a verdict of guilty, the court shall pass the sentence of death on such slave or free person of colour, agreeable to the requisitions, and subject to the same restrictions as are required by the before recited act, or proceed to inflict such other punishment as in their judgment will be most proportionate to the offence, and best promote the object of the law, and operate as a preventative for like offences in future.

Sentence.

SECT. 3. *And be it further enacted,* That in all prosecutions for a capital offence against any slave or free person of colour, the clerk of the Inferior Court shall act as the prosecuting officer in behalf of the state.

In capital cases against slaves, &c. the clerk of the Inferior Court shall

act as prosecuting officer.

SECT. 4. *And be it further enacted,* That all laws militating against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 510.)

AN ACT

For disposing of any such Negro, Mulatto or Person of Colour, who has been or may hereafter be imported or brought into this state, in violation of an act of the United States, entitled "An act to prohibit the importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808."

The Governor authorized to appoint an agent to go to such ports, &c. where there may be any negroes, &c. seized or condemned under the recited act, and subject to the control of the state; who shall receive and convey said negroes to Milledgeville.

The Governor authorized to have said negroes sold.

The colonization society may be permitted to transport such negroes, &c. upon certain terms.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for his excellency the Governor, and he is hereby authorized to appoint some fit and proper person to proceed to all such ports and places within this state as have, or may have, or may hereafter hold, any negroes, mulattoes or persons of colour, as may have been, or hereafter may be seized or condemned under the above recited act of Congress, and who may be subject to the control of this state; and the person so appointed shall have full power and authority to ask, demand and recover and receive all such negroes, mulattoes, or persons of colour, and to convey the same to Milledgeville, and place them under the immediate control of the executive of this state.

SECT. 2. *And be it further enacted,* That his excellency the Governor is hereby empowered to cause the said negroes, mulattoes or persons of colour to be sold, after giving sixty days notice in a public gazette, in such manner as he may think best calculated for the interest of this state.

SECT. 3. *And be it further enacted,* That if, previous to any sale of any such persons of colour, the society for colonization of free persons of colour within the United States will undertake to transport them to Africa, or any other foreign place which they may procure as a colony for free persons of colour, at the sole expense of said society, and shall likewise pay to his excellency the Governor all expenses incurred by the state since they have been captured and condemned, his excellency the Governor is authorized and requested to aid in promoting the benevolent views of said society in such manner as he may deem expedient.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 511.)

To alter and amend an act, entitled "An act to prohibit Slaves from selling certain commodities therein mentioned," passed the 18th December, 1816.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passage of this act, if any person or persons shall buy or receive from any slave or slaves any amount of money exceeding one dollar, cotton, tobacco, wheat, rye, oats, corn, rice, or poultry of any description whatever, or any other article, commodity or thing (except such as are herein after enumerated, to wit: brooms, baskets, foot and bed-mats, shuck collars, and such other thing or things, article or articles, as are known to be manufactured or vended by slaves for their own use only,) without a ticket authorizing such slave or slaves to dispose of said money or other article, which ticket such person so trading is and are hereby required to keep for his or their only justification, which such slave or slaves may intend to dispose of, specifying the amount or quantity so intended to be disposed of from his, her or their owner, overseer or employer, such person or persons so offending, on information made on oath, in writing, before any judge of the Superior Court, justice of the Inferior Court, or justice of the peace, charging the commission of said offence, it shall then be the duty of such officer, before whom such information shall have been made, to grant and issue his warrant, directed to all and singular the sheriffs and constables of said state, requiring them to apprehend the body of the said person or persons so charged, and take him, her or them before the officer issuing said warrant, or some other judge of the Superior Court, justice of the Inferior Court, or justice of the peace in the county where the party so charged may be apprehended; whose duty it shall be to bind the person or persons so charged, in a bond with good and sufficient security, for double the amount of the penalty for the offence, over to the next Superior Court in the county where the offence may have been committed, for the personal appearance of said party so as aforesaid charged.

Persons receiving of any slave any amount of money exceeding \$1, or who shall buy any thing (certain articles excepted) of any slave, without a proper ticket from the owner, &c. in what way proceeded against.

SECT. 2. *And be it further enacted,* That if the party so charged fail to give sufficient security for his, her or their personal appearance at the next Superior Court, to answer said charge, it shall then be the duty of the officer before whom such person or persons shall stand charged, to commit him, her or them to the common jail in the county where the offence shall have been committed, and should there be no jail in that county, to the most safe and convenient jail in any of the adjacent counties, there to remain till the next Superior Court in the county where said offence is charged to have been committed, or until they shall give bail.

If the person charged fail to give security for his appearance at the next Superior Court, he shall be committed to jail.

(No. 511.) *SECT. 3. And be it further enacted,* That it shall be the duty of the attorney general or solicitors general, in their respective circuits, to cause the party or parties so recognised or held in custody for a violation of this act, to be indicted for said offence; and on conviction, the court shall impose a fine of not more than five hundred dollars, with the cost of the prosecution, and imprisonment in the common jail of the county, or some other safe and convenient jail, for a period not longer than six months.

Such person shall be indicted, and on conviction, fined not more than \$500, with costs, and imprisoned in jail not longer than six months.

What shall be presumptive evidence of a violation of this act.

SECT. 4. And be it further enacted, That if any slave or slaves shall be found in any store-house or tipling shop, unless sent by his, her or their owner, overseer or employer, after the hour of nine o'clock at night, or before daybreak in the morning, or on the Sabbath-day, it shall be taken and received as presumptive evidence against the person or persons owning, or person keeping the store or tipling shop, of a violation of this act; which presumption may be rebutted by any other circumstances in favour of the accused.

Slaves or free people of colour, how punished for purchasing any of the said commodities of a slave, contrary to the intent of this act.

SECT. 5. And be it further enacted, That if any slave or slaves, or free persons of colour, shall purchase or buy any of the aforesaid commodities from any slave or slaves, he, she or they, on conviction thereof before any justice of the peace, contrary to the true intent and meaning of this act, shall receive on his, her or their bare back or backs thirty-nine lashes, to be well laid on by any constable of said county, or other person appointed by the justice of the peace for that purpose: *Provided,* that nothing herein contained shall prevent any slave or slaves from selling poultry at any time, without a ticket, in the counties of Liberty, McIntosh, Camden, Glynn and Wayne.

Duty of the judges, relative to this act.

SECT. 6. And be it further enacted, That it shall be the duty of the judges, at the commencement of every court, to give in charge to the grand jury the substance and intention of this act.

Selling goods to slaves, when deemed a violation of this law.

SECT. 7. And be it further enacted, That if any person should sell or deliver to any slave or slaves, any goods, wares or merchandize, or any other thing or things, unless it be at the time and in exchange for some article or articles, and which the owner or manager of such slave or slaves may have authorized him, her or them to trade or deal in, according to the provisions of this act; such person so offending shall be adjudged, deemed and held to be guilty of a violation of this law, and may be indicted for the same; and on conviction, shall suffer the same punishment as is herein before pointed out, to be inflicted on persons offending against the provisions of this act.

SECT. 8. *And be it further enacted*, That from and after the passing of this act, all laws or parts of laws militating against this act be, and the same are hereby repealed. (No. 511.)

Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT*

(No. 512.)

Supplementary to, and more effectually to enforce an act, entitled An act prescribing the mode of manumitting Slaves in this state, to prevent the future migration of Free Persons of Colour thereto, to regulate such Free Persons of Colour as now reside therein, and for other purposes.

WHEREAS, the principles of sound policy, considered in reference to the free citizens of this state, and the exercise of humanity towards the slave population within the same, imperiously require that the number of free persons of colour within this state should not be increased by manumission, or by the admission of such persons from other states to reside therein: And whereas, divers of persons of colour, who are slaves by the laws of this state, having never been manumitted in conformity to the same, are nevertheless in the full exercise and enjoyment of all the rights and privileges of free persons of colour, without being subject to the duties and obligations incident to such persons, thereby constituting a class of people, equally dangerous to the safety of free citizens of this state, and destructive of the comfort and happiness of the slave population thereof, which it is the duty of this legislature, by all just and lawful means, to suppress: Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act herein before referred to shall be strictly enforced; but the penalties therein prescribed, except where the same shall be otherwise provided for by this act,

The recited
act to be strictly
enforced.

* See act of 1819, No. 516, amendatory of this act.

(No. 512.) shall be increased to five hundred dollars for each and every offence inhibited by the said act; and shall, together with such penalties as are prescribed by this act, and the proceeds of all sales directed hereby, after deducting costs, be appropriated, one half to the use of the person suing or prosecuting for the same, and the other half to the use of the county in which the offence is committed, except in the city of Savannah, where the half of such penalties hereby appropriated to the use of the county, shall be appropriated and paid over to the use of that corporation.

The penalties thereof increased to \$500, except where *this* act provides to the contrary. Said penalties, with those prescribed by this act, and the proceeds of all sales directed thereby, how disposed of.

Construction of the third section of the recited act.

SECT. 2. *Be it further enacted*, That the third section of the said act herein before referred to, shall be construed to extend to inhibit the recording only of so much of any instrument (as is therein described) as shall relate to the manumitting or setting free of any slave or slaves.

Free persons of colour (certain descriptions excepted) prohibited from coming into the state. Offenders subject to arrest, and on conviction, liable to a penalty not exceeding \$100. Upon failing to pay the same, shall be liable to be sold at public outcry. Proceeds of the sale, how appropriated. Any offender, who, upon conviction, shall have paid the penalty awarded against him or her, shall be subject to a new prosecution, &c. as often as he or she may be found in the

SECT. 3. *Be it further enacted*, That from and after the passing of this act, it shall not be lawful for any free person of colour, (Indians in amity with the state, and regularly articed seamen or apprentices, arriving in any ship or vessel, excepted,) to come into this state; and each and every person or persons offending herein shall be liable to be arrested by warrant, under the hand and seal of any magistrate in this state, and being thereof convicted in the manner herein after pointed out, shall be liable to a penalty not exceeding one hundred dollars; and upon failure to pay the same within the time prescribed in the sentence awarded against such person or persons, he, she or they shall be liable to be sold by public outcry, as a slave or slaves, in such manner as may be prescribed by the court awarding such sentence; and the proceeds of such sales shall be appropriated in the manner provided for the appropriation of penalties recovered under this act: *Provided*, that any person or persons, who shall have been convicted under this section, and shall have complied with the sentence awarded against him, her or them, by payment of the penalty or penalties, shall be liable to a new prosecution, and to all the pains and penalties herein prescribed, as often as he, she or they shall be found within the limits of this state, after the expiration of twenty days from the time of his, her or their discharge from such previous prosecution: *And provided moreover*, that any articed seamen or apprentice as aforesaid, who may be found in the limits of this state, after the expiration of twenty days from the departure of the ship or vessel in which he may have arrived, or after his discharge from such ship or vessel, shall be liable to all the pains and penalties of this act.

state after 20 days from the time of being discharged, &c. Proviso, as to articed seamen and apprentices.

Every will and testament, deed, instrument in writing, &c. in-

SECT. 4. *Be it further enacted*, That all and every will and testament, deed, whether by way of trust or otherwise, contract, agreement or stipulation, or other instrument in writing, or by parol, made and executed for the purpose of effecting, or endeavoring to effect,

vouring to effect the manumission of any slave or slaves, either directly by conferring, or attempting to confer freedom on such slave or slaves, or indirectly or virtually, by allowing and securing, or attempting to allow and secure to such slave or slaves the right or privilege of working for his, her or themselves, free from the control of the master or owner of such slave or slaves, or of enjoying the profits of his, her or their labour or skill, shall be, and the same are hereby declared to be utterly null and void; and the person or persons so making or executing any such deed, contract, agreement, stipulation or other instrument in writing, or by parol, and all and every person or persons concerned in giving, or attempting to give effect thereto, whether by accepting the trust thereby created, or attempted to be created, or in any other way or manner whatsoever, shall be severally liable to a penalty not exceeding one thousand dollars, to be recovered in the manner herein after pointed out; and each and every slave or slaves in whose behalf such will or testament, deed, contract, agreement or stipulation, or other instrument in writing or by parol shall have been made, shall be liable to be arrested by warrant under the hand and seal of any magistrate of this state, and being thereof convicted in the manner herein after prescribed, shall be liable to be sold as a slave or slaves, by public outcry; and the proceeds of such sales shall be appropriated in the manner prescribed by the first section of this act.

(No. 512.)
tended to effect the manumission of any slave, declared null and void.

Persons executing such deed, &c. and those who aid in such purpose, liable severally to a penalty not exceeding \$1000.

Slaves whose manumission is thus attempted, how disposed of.

SECT. 5. *And be it further enacted,* *That all and every free person or persons of colour residing or being within this state, at the time of the passing of this act, and continuing or being therein on the first day of March next, except as herein before excepted, shall, on or before that day, and annually on or before the first Monday in March, in each and every succeeding year which they shall continue within the limits of this state, make application to the clerk of the Inferior Court of the county in which they reside; and it shall be the duty of said clerk to make a registry of such free person or persons of colour in a book by him to be kept for that purpose, particularly describing therein the names, ages, places of nativity and residence, time of coming into this state, and occupation or pursuit of such free person or persons of colour; and such clerk shall be entitled to demand and receive fifty cents for each and every person or persons so registered as aforesaid, and for granting a certificate thereof, which he shall in like manner be bound to do, on or before the first Monday in May thereafter, if no person shall appear to gain-say the same; and to the intent that all persons concerned or interested therein may have due notice thereof, it shall be the duty of such clerk forthwith, after the said first Monday in March, in each and every year, to cause to be published in one or more of the public gazettes of the county, or, in counties where there are no gazettes, in some one or

Free persons of colour required to be annually registered.

Duty of the clerks of the Inferior Courts relative to the registry of the same.

* See act of 1819, No. 516, section 1st, by which free persons of colour, who failed to comply with this act, are exonerated from its penalties, &c. provided they do comply with its provisions on or before the first Monday in July (then) next, and annually thereafter on the first Monday in July.

(No. 512.) more of the gazettes of the state, a list of such free persons of colour applying for registry, with notice that certificates will be granted to such applicants, if no objections are made thereto, on or before the second Monday in April thereafter; and each and every person desirous of objecting thereto shall file such his objections in the office of such clerk within the time specified in such notice; which proceedings shall be by the said clerk notified to the justices of the Inferior Court of such county, and shall be tried and determined in the manner herein after pointed out; and the said clerk shall grant or withhold such certificate according to the determination thereof: *Provided*, that the expense of such publication shall be defrayed out of the county funds, where the moiety of the several penalties prescribed by this act is appropriated to the county, and out of the funds of the city of Savannah, where such moiety is appropriated to such corporation.

Persons of colour, who shall not have been duly registered, or to whom the certificates aforesaid shall have been refused, and who shall be found working at large for their own profit, &c. &c. liable to be arrested and sold.

SECT. 6. *Be it further enacted*, That all and every person of colour (Indians in amity with this state, or regularly articulated seamen or apprentices arriving in any ship or vessel, excepted,) who shall, after the first Monday in May next, be found within the limits of this state, whose names shall not be enrolled in the book of registry described in the preceding section, or having been enrolled, who shall have been refused certificates in the manner therein prescribed, and who shall be working at large, enjoying the profits of his or her labour, and not in the employment of a master or owner, or some white person, by and in virtue of an actual bona fide contract with the master or owner of such person of colour, securing to such master or owner the profits arising from the labour of such person of colour, shall be deemed, held and taken to be slaves, and may be arrested by warrant, under the hand of any magistrate of this state; and such proceedings being had as are herein after provided, shall be sold by public outcry as slaves; and the proceeds of such sales shall be appropriated in the manner specified in the first section of this act.

Registered free persons of colour, between the ages of 15 and 60 years, liable to do public labour.

SECT. 7. *Be it further enacted*, That all registered free persons of colour, between the ages of fifteen and sixty years, shall be liable to do public work in the counties or corporate towns in which they may reside, under such regulations, and on pain of such penalties for non-compliance, as the justices of the Inferior Courts of the several counties, and the mayor and alderman or intendant and wardens or commissioners of such corporate towns shall prescribe; and it shall be the duty of such justices of the Inferior Court and of such mayor and alderman, intendant and wardens or commissioners, to call out such free persons of colour, and employ them in public work within their respective jurisdictions, for a term not exceeding twenty days in one year.

SECT. 8. *Be it further enacted*, *That no free person of colour within this state (Indians in amity with this state excepted) shall be permitted to purchase or acquire any real estate or any slave or slaves, either by a direct conveyance to such free persons of colour of the legal title of such real estate or slave or slaves, or by a conveyance to any white person or persons of such legal title, reserving to such free person of colour the beneficial interest therein, by any trust, either written or parol, by any will, testament or deed, or by any contract, agreement or stipulation, either written or parol, and securing or attempting to secure to such free person of colour the legal title or equitable or beneficial interest therein; but all and singular such real estate, and each and every such slave or slaves, shall be deemed and held to be wholly forfeited; and the escheators in the several counties in this state shall be, and they are hereby required to proceed against such property in the manner pointed out by the several acts to regulate escheats in this state; and the proceeds of such forfeited property shall, after deducting ten per cent. on the gross amount thereof, which shall be paid to persons giving information of the same to the escheator, or to the escheator himself, if he shall discover the same, and the costs of the inquisition be appropriated, one half to the use of the county, except in the county of Chatham, in which such moiety shall be paid to the corporation of the city of Savannah, and the other moiety shall be paid into the treasury of the state; and all and every person or persons who shall be concerned in covering or protecting such property, so as to secure, or attempt to secure the legal or equitable title therein to such free person or persons of colour, contrary to the true intent and meaning of this act, shall be liable to a penalty not exceeding one thousand dollars, which shall be sued for and recovered in the manner herein after pointed out, and shall be appropriated in the mode prescribed in the first section of this act.

(No. 512.)
Free persons of colour, (amicable Indians excepted) prohibited from holding real property or slaves.

Such real estate, &c. shall be forfeited, and proceeded against under the escheat laws. Proceeds thereof, how appropriated.

Persons protecting or covering such property, in order to secure it to such free persons of colour, liable to a penalty not exceeding \$1000.

SECT. 9. *Be it further enacted*, That all and singular the penalties prescribed by this act, and each and every proceeding directed herein, except where it is otherwise specially provided thereby, shall be prosecuted, recovered and enforced against all and every white person or persons, who shall become amenable thereto, by action of debt or indictment, in the Superior Courts of the respective counties, according to the ordinary course of proceedings therein; and the same shall be prosecuted, recovered and enforced against all and every person or persons of colour, whether free or slave, before the justices of the Inferior Courts of the respective counties, or a majority of them, either at the regular sessions of such courts, or at special sessions to be held for that purpose, which the said justices, or a majority of them, are hereby empowered to hold, and to

The penalties, &c. of this act, how enforced against white persons.

How enforced against free people of colour and slaves.

* See act of 1819, No. 516, 3d section, which repeals so much of this section as relates to real estate, except in Savannah, Augusta and Darien. See also the 2d section of the same act, which provides that property held by free people of colour, at the passing of the present act, shall not be considered as forfeited, &c.

(No. 512.) do all needful and necessary acts therein, for giving full effect to the provisions of this act; and the said justices shall, in like manner, be authorized to hear and determine all objections which shall be made to the registry of any person of colour, claiming to be free, reserving always to the judges of the Superior Courts, the constitutional right of revising all such proceedings; for which purpose the said justices shall be required to make a special record of their several actings and doings in the premises, and of all evidence or testimony given therein, and to transmit the same, when required, to the said judges: *Provided always*, that in all trials which may be had under this act, except from the enforcement of penalties against white persons, the court shall be authorized to require the answers on oath, (to such questions touching the same, as they may deem relevant,) of all and every white person or persons, claiming title to such persons of colour, or to any real or personal property, which shall be proceeded against as forfeited under this act, or in whose employment such person of colour may be, or who may be guardian of such person of colour; and the same shall be read as evidence therein.

Proviso, as to
testimony.

Construction
of this act.

General power
of courts,
&c. for carry-
ing it into ef-
fect.

SECT. 10. *Be it further enacted*, That it shall be the duty of all courts and judges, before any proceedings may be had under this act, so to construe the several provisions thereof, as to carry the same into full and complete operation, according to the true spirit, intent and meaning thereof, as declared in the preamble of the same; and all and every such courts and judges are hereby invested with full power for such purpose, and are authorized and required to make all necessary rules and regulations, and to adopt all needful proceedings not herein specially provided, according to the usual course of justice, which may be at any time required for the purposes aforesaid.

Warrants, is-
sued under
this act, to
whom return-
able.

SECT. 11. *Be it further enacted*, That all warrants issued by any magistrate under this act, against any person of colour, whether free or slave, shall be returned by the officer executing the same to the justices of the Inferior Court of the county in which the same may be issued; and the said justices, or a majority of them, shall proceed immediately to hear and determine thereon, making such record of their proceedings as is herein before provided.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 513.)

To make adequate compensation to such person or persons who have seized or shall seize any African Slaves, imported or brought into this state, contrary to the laws of this state or the United States.

WHEREAS, numbers of African slaves have been illegally introduced into the state, Preamble.
in direct violation of the laws of the United States and of this state:

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That for the Persons who shall seize, &c. slaves illegally imported or introduced, how compensated.
encouragement of those who have used, or shall use, their efforts to suppress this traffic, by informing against and seizing the slaves so imported, they shall, on final condemnation of the same, as forfeited to the state, receive one-tenth of the amount of the nett proceeds of the sales of the same: *Provided*, nothing herein contained shall be so construed as to extend further back than the year eighteen hundred and seventeen.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 514.)

AN ACT

To make adequate compensation to Archibald Clark, collector of the port of St. Mary's, and the revenue officers under him, for the seizure of five African negroes.

Preamble.

WHEREAS, by an act passed on the 19th day of December, 1818, it was provided that, "for the encouragement of those who have used, or shall use their efforts to suppress the traffic in Africans, by informing against and seizing the slaves so imported, they shall, on final condemnation of the same as forfeited to the state, receive one-tenth of the amount of the nett proceeds of the sales of the same:" And whereas, five Africans, seized by Archibald Clark, esquire, collector of the port of St. Mary's, and the officers under him, were delivered, on the 28th day of December, 1818, to the agent of the state of Georgia; and as no claim has been put in for the said Africans, nor any expected to be so, and consequently no "condemnation" can ensue:

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,

§200 awarded to Archibald Clark and the revenue officers under him, for seizing certain Africans.

That the sum of two hundred dollars be, and the same is hereby awarded to the said Archibald Clark, esquire, and the revenue officers under him, as a compensation to them for their services, in seizing and informing against the said Africans; and that the treasurer be hereby authorized to pay over the same into the hands of the said Archibald Clark, esquire, out of any monies now in the treasury not otherwise appropriated.

Said sum to be full satisfaction.

SECT. 2. *And be it further enacted,* That said sum of two hundred dollars shall be in full of all claims now, or which hereafter may be exhibited by said officers, for the seizure of the Africans herein before named.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 515.)

To compensate the Collector of Brunswick for his exertions in seizing and delivering up to the state certain Africans, illegally introduced.

WHEREAS, certain Africans illegally introduced into this state were, by the exertion of the collector of Brunswick, seized and delivered up to the state, and have been sold for the benefit of the same: Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That his excellency the Governor shall be, and he is hereby authorized to pay to the said collector of Brunswick, out of the contingent fund, ten per centum on the amount of the proceeds of the sales of the said Africans. Compensation to the collector of Brunswick for seizing certain Africans.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all laws or parts of laws repugnant to the same be, and the same are hereby repealed. Repealing clause.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

(No. 516.)

AN ACT

To alter and amend an act, entitled An act supplementary to and more effectually to enforce an act, entitled An act prescribing the mode of manumitting Slaves in this state, to prevent the future migration of Free Persons of Colour thereto, to regulate such Free Persons of Colour as now reside therein, and for other purposes, passed the 19th December, 1818.

Preamble.

WHEREAS, by the fifth section in the above recited act, all free persons of colour, residing or being within this state at the time of the passing of said act, and continuing therein on the first day of March thereafter, were required, under certain provisions and restrictions, on the said first day of March, and annually on the first Monday in March thereafter, to make application to the clerk of the Inferior Court of the county in which they reside, and register themselves according to the provisions of said act: And whereas also, the sixth section in the before recited act provides, that all such free persons of colour who should be found, on the first Monday in May after the passage of said act, within the limits of this state, whose names had not been duly registered according to the provisions of said act, should be deemed, held and taken as slaves, and might be subject to arrest and sale, under certain restrictions therein contained: And whereas further, many such free persons of colour residing in this state, were unable to avail themselves of the provisions contained in said act, by reason of the said act not being sufficiently promulgated by the said first Monday in March last:

Free persons of colour, who failed to comply with the provisions of the recited act, relieved from the penalties thereof.

Proviso.

Proviso.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all free persons of colour contemplated in the above recited act, who failed to comply with the provisions therein contained, shall be, and they are hereby declared to be exonerated, released and discharged from all pains or forfeitures to which they were thereby subjected: Provided, they do, on or before the first Monday in July next, and annually thereafter on the first Monday in July, comply with the provisions contained in said act: Provided, that this act shall not extend to any case where there has been an actual forfeiture and sale.*

Property held by any free person of colour, at the time said act was passed, not to be forfeited, &c.

SECT. 2. *And be it further enacted, That all property held by any free persons of colour, at the time of the passing of the above recited act, shall not be deemed or considered as forfeited, but that the same shall remain in the owner, or in his or her descendants after his or her death.*

SECT. 3. *And be it further enacted*, That the eighth section of the act aforesaid (No. 516.) be, and the same is hereby repealed, so far as relates to real estate, except in the cities of Savannah, Augusta and Darien.

A part of the 8th section of said act repealed.

SECT. 4. *And be it further enacted*, That the above recited act shall not extend to and operate upon free persons of colour who are minors, and bound out according to law.

Said act not to operate upon minors bound out according to law.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

SOCIETIES AND COMPANIES.

1811.

(No. 517.)

AN ACT*

To incorporate the Roman Catholic Society of Augusta, and county of Richmond, and to authorize the trustees of the Richmond Academy to convey a lot of land, in the city of Augusta, to the said Roman Catholic Society.

Trustees of
the Roman
Catholic So-
ciety of Au-
gusta nomi-
nated and in-
corporated.
Their powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That James Toole, Bernard Bignon, Francis Bonyer, James B. Lafette and John Cormick, and their successors in office, shall be, and they are hereby declared to be a body corporate, by the name and style of the Trustees of the Roman Catholic Society, in the city of Augusta, and county of Richmond; and the said trustees are hereby authorized to have and use a common seal; and they are hereby declared to be able and capable in law of suing and being sued, pleading and being impleaded, and to have, hold and enjoy real and personal property, for the use and purpose of erecting a church or house of worship for the said society, in the city of Augusta, and for the sole benefit of such church.

Vacancies,
how filled.
Who shall be
ineligible as
a trustee.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said trustees, and their successors in office, shall have power to fill all vacancies which may happen in their board, from time to time, by resignation, death or otherwise; and no person who resides out of the county of Richmond, shall be eligible as a trustee of the said society.

* See act of 1818, No. 530, authorizing this church to rent out the unemployed part of the lot conveyed to it for religious purposes.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the trustees of (No. 517.) the Richmond Academy be, and they are hereby authorized and empowered to convey Trustees of Richmond Academy authorized to convey to the before mentioned trustees a certain lot in Augusta, whereon to erect a church.

to the trustees before named, and their successors in office, all that lot of land situate, lying and being in the city of Augusta, bounded on the north by Telfair street, on the east by Mcintosh street, on the south by Walker street, and on the west by Jackson street; the said lot to be vested in the said trustees, and their successors in office, as a site whereon to erect their church or house of worship, and for no other purpose whatsoever.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 518.)

For incorporating the Greenwood Church, in the county of Lincoln.

WHEREAS a religious society has for many years past been established in the county of Lincoln, and known by the name of Greenwood church: And whereas, it is necessary for the promotion of religion and virtue, that churches or religious societies be made capable of holding, conveying, enjoying and defending any property which they may acquire by donations or otherwise: Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That John Hammock, George Zoellner, Levin Parkinson, William Moncrief and John H. Walker, and their successors in office, shall be, and they are hereby declared to be a body corporate, by the name and style of "The Trustees of the Greenwood Church of Lincoln County." Trustees of Greenwood church nominated and incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said John Hammock, George Zoellner, Levin Parkinson, William Moncrief and John H. Walker, trustees as aforesaid, and their successors in office, shall be invested with all manner of property, &c. and the power of conveying the same.

(No. 518.) property, both real and personal, and to convey the same, all donations, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said church at the time of passing this act, or which may hereafter be made, conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of the said church; and also that the said trustees, and their successors in office shall be, and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, and of using all necessary legal steps for recovering or defending any property whatever which the said church may hold, claim or demand, and also for recovering the rents, issues and profits of the same, or any part or parcel thereof.

May sue and
be sued, &c.

Continuance
in office.

Time, place
and manner of
electing trus-
tees.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the trustees of the said Greenwood Church shall hold their office for the term of three years; and on the first Saturday in January, one thousand eight hundred and fifteen, and every third year after the passing of this act, the supporters of the gospel in said church shall convene at the meeting-house of said church, and there, between the hours of ten and four, elect from among the supporters of the gospel in said church, five discreet persons as trustees, who shall hold their office three years as aforesaid, with the same powers and for the same purposes as above declared.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 519.)

AN ACT*

To incorporate "The Insurance Company of the City of Savannah."

Preamble.

WHEREAS, Charles Harriss, William B. Bullock, Archibald S. Bullock, Isaac Minis, William Stephens, John Eppinger, Samuel Barnett, John P. Williamson, John Cumming, Robert M^cKay, James Johnston, Peter Mitchell, James Dickson, Zachariah

* See act of 1815, No. 523, incorporating "The Marine and Fire Insurance Company of the City of Savannah."

Miller, Abner Woodruff, John Moorhead, John Craig, Samuel Howard, Abraham (No. 519.) Richards, Lemuel Kollock, William Davis, Benjamin Burroughs, Oliver Sturges, Adam Cope, George Glenn, George W. Owen, Abraham D. Abrahams, William Taylor, William Belcher, Thos. W. Rodman, Sheldon C. Dunning, George Anderson, Asel Howe, Richard M. Dimond, Thomas Burdell, Fred. Phinzy, Jeremiah Cuyler, Alexander Hunter, William Mein, Robert Habersham, Joseph Habersham, Andrew Knox, Ebenezer Stark, George Harral, Joshua E. White, Steele White, Edmund Maher, Benj. B. Norriss, William Gaston, F. D. Petit de Villers, William Woodbridge, William T. Williams, Gurden J. Seymour, Robert Iman, John N^eNish, Robert Watts, Phillip Box, Francis M. S. Fell, Josiah Penfield and John B. Mars, citizens and merchants of the city of Savannah, have by their memorial represented, that they are desirous of forming and establishing an insurance company in the city of Savannah, the objects of which will be to insure property and effects against sea risks, fire, and other casualties for which insurance companies are usually organized and established: And whereas it is also represented by the memorial of the said citizens and merchants, that sufficient capital can be raised and placed upon a footing of respectability, which will guarantee the most prompt and faithful indemnifications for all losses insured against by said company:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the several persons before mentioned, and others who may become members of said company respectively, the officers and members thereof, and their successors, shall be, and they are hereby declared to be a body corporate in name and deed, by the style and denomination of "The Savannah Insurance Company," and by the said name and style shall have succession of officers and members for the term of thirty years, and a common seal to use, and shall have power and authority to make, alter, amend and change such bye-laws as may be agreed on by the members of said company: *Provided,* such bye-laws be not repugnant to the laws or constitution of this state, or the United States.

The Savannah Insurance Company incorporated.

Its duration.

Shall have a common seal: May make bye-laws, &c. Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the before mentioned persons, and others who may become members, shall, within the term of six months from and after the passing of this act, convene and elect a president and vice-president, and other officers who may be deemed necessary for said company; and so soon as the said election of president and vice-president and other officers shall have taken place, or within the term aforesaid, the persons before mentioned, and others who may subscribe and become members of said company, at the said convention, or afterwards within the term aforesaid, shall proceed to the election of directors, agreeably to any plan or regulation, as to the number of said directors, which may be agreed on by the members and subscribers of said company.

President, vice-president and other officers, when and how elected.

Election of directors regulated.

(No. 519.)

Continuance
in office.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said president and vice-president, and other officers, and said directors, shall remain in office for and during the term of one year from and after the term of their elections as aforesaid.

Capital shall
be \$300,000.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the capital of said company shall be three hundred thousand dollars, but that the said company shall commence its business and operation so soon as twenty-five thousand dollars shall have been deposited, and the said company organized as aforesaid: *Provided nevertheless,* that if the directors of said company shall at any time insure for more than three times the amount of money actually deposited in the Planters' Bank of the state of Georgia, then and in that case the directors shall become individually responsible for such excess, and an action of debt may in such case be brought against them, or any of them, their heirs, executors, or administrators, in any court in the United States, having competent jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution.

Said company
authorized to
insure prop-
erty.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said company, when so organized, shall have full power and authority to insure property and effects of every nature and description against sea risks, fire, and all other accidents and casualties for which insurance companies are usually established, organized and incorporated.

Shall establish
bye-laws rela-
tive to the
election of
officers, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said company shall agree to and establish such bye-laws, rules and regulations relative to the election of said president and vice-president, other officers and directors, and for other purposes, as the members of said company may deem expedient or conducive to the welfare, interests, and promotion of said company.

May sue.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said company shall have full power and authority, under the style and name of The President and Vice-President of the Savannah Insurance Company, to sue for and receive all such sum or sums of money as may become due to the said company, by any name or style whatever, at any court of law, or before any tribunal having jurisdiction thereof; and the rights and privileges of said company, in any court or at any tribunal whatever, to defend; and also to take, receive, purchase, hold and possess, any property, real or personal, for the use, benefit or advantage of said company, and to sell, make over, and dispose of the same in any manner the said company may direct; and the said company shall be, and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of an association of persons incorporated for the intentions and purposes aforesaid.

May hold real
and personal
property, and
dispose of the
same.

SECT. 8. *And be it further enacted*, That in any and all cases of loss or losses, by fire or otherwise, of any property which may be at any time insured by the said company, they shall be bound to pay the whole amount of any such loss or losses, within the term of six months from the time any such loss or losses may occur or happen; and on failure of payment as aforesaid, this charter shall be null and void.

(No. 519.)
Compelled to pay losses of property insured by them, within six months from the time of such losses. Charter forfeited in case of non payment.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 520.)

To incorporate the Hibernian Society of the city of Savannah.

WHEREAS, a voluntary association of persons hath been formed in the city of Savannah, under the name and style of "The Hibernian Society of the city of Savannah," the objects and purposes of which association are stated to be the relief of indigent and exiled Irishmen, and to promote social and friendly harmony among the members of said association: And whereas, the said persons so associated under the name and style aforesaid, are desirous of being incorporated:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority aforesaid*, That the several persons and members of said charitable association, and others who shall hereafter become members of the said association respectively, and the successors, officers and members of the same, shall be, and they are hereby declared to be a body corporate, in deed and in name, by the name and style of the "President and Vice-President of the Hibernian Society of the city of Savannah;" and by the said name shall have perpetual succession of officers and members; and a common seal to use, with power to make, alter, change and amend such bye-laws and regulations as may be agreed on by the officers and members of said society: *Provided*, such laws be not repugnant to the laws and constitution of this state; and that they have privilege to

Hibernian Society of Savannah incorporated.

Its style.

Shall have perpetual succession, and a seal.

May make bye-laws.

Proviso.

(No. 520.) sue for and recover all monies that now are, or that may be due to the said Hibernian Society by any name, or in any manner whatsoever, and the rights and privileges of the said society in any court to defend, and to receive, take and apply all or any donations for the use intended by the said society; and also to purchase and dispose of any property, real or personal, for the use and benefits of said society; and shall, and hereby are declared to be vested with all the privileges, powers and advantages, rights and immunities of a society of people incorporated for the purposes intended by their association and institution.

May sue and be sued.
May purchase and dispose of real and personal property, &c.

SECT. 2. *And be it further enacted*, That this act shall be deemed and taken as a public act, to all intents and purposes whatsoever.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 521.)

AN ACT

To incorporate the Savannah Library Society.

The members of the Savannah Library Society incorporated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That J. Macpherson Berrien, president; Thomas Young, vice-president; August G. Oemler, secretary and librarian; J. Bond Read, treasurer; and J. Alury, Thomas Bartow, W. Belcher, D. Bell, J. M. Berrien, J. Bilbo, C. Bolton, J. Bolton, S. M. Bond, W. B. Bulloch, J. S. Bulloch, G. Bunch, Thomas Burke, T. W. P. Charlton, A. Cuthbert, J. H. Clark, J. Cumming, W. Cuyler, O. L. Dobson, Charles Dunham, A. Dousset, J. Eppinger, W. Gaston, G. Glen, Thomas Glen, W. T. Grayson, J. Grimes, Jas. Habersham, Richard Habersham, Robert Habersham, W. R. Harden, Charles Harris, J. H. Hartridge, A. Hunter, James Hunter, J. Hunter, Jabez Jackson, George Jones, W. H. Joyner, H. Kolloch, L. Kolloch, F. Kreeger, J. Lewis, A. Lowe, George Lowe, Robert Mackay, H. McCall, C. McIntyre, J. McQueen, M. Miller, P. Mitchell, D. McNeil, Robert Newell, A. G. Oemler, S. Owens, W. Parker, S. Parkman, J. S. Pelot, D. Ponce, J. B. Read, G. T. Seymour, M. Shearer, B. E. Stiles, R. M. Stiles, B. Sturges,

A. Telfair, Thomas Telfair, N. Turnbull, E. Wallen, W. Way, J. M. Wayne, Charles (No. 521.) West, J. E. White, St. White, D. D. Williams, Thomas Young, be members of the Savannah Library Society, and the successors of the said officers, and all and every persons who may hereafter become members of the said society, shall be, and they are hereby declared to be, a body corporate in deed and in name, by the name and style of "Savannah Library Society;" and by the said name shall have perpetual succession of officers and members, and a common seal to use, with power to make, alter, change and amend such bye-laws and regulations, as may be agreed upon by the members of the said society: *Provided*, such laws be not repugnant to the constitution and laws of the state.

Their style.
Shall have
perpetual suc-
cession.
May make
bye-laws.
Proviso.

SECT. 2. *And be it further enacted*, That the said association of persons, and their successors, shall have privilege to sue for and recover all monies that now are, or may hereafter become due to the said society, by any name or in any manner whatsoever, and the rights and privileges of the said society, in any court to defend, and to receive, to hold real and personal property, and to take and apply all or any donations made to the said society; and generally they shall, and hereby are declared to be vested with all the privileges, powers and advantages, rights and immunities, of a society of people incorporated for the purposes intended by their institution.

May sue.

May hold real
and personal
property.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 522.)

AN ACT*

To raise money by Lottery, for the purpose of aiding the funds of the Savannah Poor-House and Hospital.

Three lotteries for the Savannah poor-house and hospital, authorized.

1st class.

2d.

3d.

Where and under whose direction drawn.

Scheme.

Sum to be raised.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That three lotteries be, and are hereby allowed and authorized, which said lotteries shall be called the Savannah Poor-House and Hospital Lottery, of the first class, the Savannah Poor-House and Hospital Lottery of the second class, and the Savannah Poor-House and Hospital Lottery of the third class; and that said lotteries shall be managed and drawn publicly, in the city hall at Savannah, under the direction of John Bolton, James Johnston, John P. Williamson, George Anderson, Wm. Gaston, Barney McKinne, A. Richards, Isaac Minis, Lemuel Kollock, Robert Habersham, N. S. Bayard, John Eppinger, James Morrison, Richard Richardson, John Lewis, William Williamson, and Josiah Penfield, who are hereby appointed commissioners for that purpose, and are hereby authorized to adopt such scheme or schemes as they, or a majority of them, shall deem most fit, to raise the sum of thirty thousand dollars.

Money so raised, appropriated.

SECT. 2. *And be it further enacted,* That the money arising from the said lotteries, after deducting the expenses attending the same, be, and is hereby appropriated to the use and aid of the funds of the Savannah Poor-House and Hospital Society.

Vacancies among the commissioners, how filled.

SECT. 3. *And be it further enacted,* That in case of the death, resignation, or removal of either of the commissioners named in the first section of this act, that it shall be lawful for the remaining commissioners, after thirty days notice in either of the gazettes of this state, to fill up the vacancy by election.

Prizes, when to be paid.

SECT. 4. *And be it further enacted,* That the commissioners aforesaid shall, within sixty days after the drawing of each of the said lotteries, pay over the prizes to the fortunate drawers, subject to such deduction as shall be made known in their published scheme or schemes; and that the balance, after deducting expenses, shall, in ninety days after the drawing of each lottery, be paid over to the managers of the said Poor-House and Hospital Society, or by their order to the president, treasurer or secretary of the said corporate body.

In 90 days after the drawing of each lottery, the proceeds shall be paid over to the managers of said poor-house and hospital.

* See act of 1819, No. 544, making a donation of \$5000 to said institution.

SECT. 5. *And be it further enacted,* That all sums of money arising from the aforesaid (No. 522.) lotteries, which may be detained in the hands of either of the aforesaid commissioners, or by any other person or persons, shall be recovered and sued for in any of the courts of this state, at the instance and in the name of the Savannah Poor-House and Hospital Society.

Monies arising from said lotteries, which may be improperly detained, how sued for.

SECT. 6. *And be it further enacted,* That the commissioners aforesaid shall, previously to the sale of any of the tickets, give bond and security in the sum of one hundred thousand dollars, for each class, in the order the same may be drawn, for the faithful performance of their duty, made payable to his excellency the Governor, for the time being, and his successors in office, to be approved of by the justices of the Inferior Court of Chatham county, or a majority of them, and to be filed of record in the clerk's office of the Superior Court of said county; and suit may be brought thereon, or on a certified copy thereof, by order of said Superior Court, on the request of the party or parties injured, in the name of his excellency the Governor, for the time being, for the use of the party or parties injured; and also with the further condition to refund any sums paid for tickets, if the said lottery should not be drawn; and if drawn, to pay to the fortunate drawers the amount of prizes drawn, within sixty days after the drawing is completed.

Said commissioners, previous to the sale of tickets, shall give bond and security.

Suit may be brought thereon, at the request of any party injured. Further conditions of the bond.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 523.)

To establish and incorporate an Insurance Company in the city of Savannah, to be called the "Marine and Fire Insurance Company of the city of Savannah."

WHEREAS, the establishment of a Marine and Fire Insurance Company, in the city of Savannah, is represented as being highly expedient, and of great utility; and that a sufficient capital can be raised and placed upon a footing of respectability, which will guarantee the most prompt and faithful indemnifications for all losses which may be insured against by said company.

Preamble.

(No. 523.)

A board of commissioners constituted, who shall open books of subscription for shares in the Marine and Fire Insurance Company of Savannah.

And after the requisite number of shares have been subscribed for, shall give notice thereof in the gazettes of Savannah, requesting a meeting of the stockholders, for the election of officers.

Election of a president and directors authorized.

The president and directors and their successors, incorporated.

Their style.

Duration of the company.

Shall have a common seal.

May make bye-laws, and elect subordinate officers.

Proviso.

Capital.

Said company, when its operations may commence.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the following persons, viz : William B. Bulloch, Oliver Sturges, Robert Mackay, Isaac Minis, George Anderson, Barna M'Kinne, Charles Harriss, William Gaston, William Taylor, Richard Richardson, Thomas Mendenhall, Abram Richards, A. S. Bulloch, Edward Harden and James M. Wayne, be, and they are hereby constituted a board of commissioners, whose duty it shall be, or a majority thereof, to convene in the city of Savannah, and after organizing themselves, to open books of subscription for shares in the said company ; and when the said shares, amounting to the capital herein after mentioned, shall have been subscribed, or that portion of it on the receipt of which the business of said company is herein after authorized to commence, it shall then also be the duty of said commissioners to give public notification thereof, in the gazettes of the said city of Savannah, requesting a meeting of the share or stockholders of said company, at such time as to the said commissioners may seem most convenient, for the election of officers of said company, as herein after directed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so soon as the said share or stockholders of said company, or a majority thereof, shall have been convened pursuant to notification as aforesaid, the said share or stockholders, under the direction of the said board of commissioners, shall proceed to the election of a president and directors of said company.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said president and directors, and their successors, shall be, and they are hereby declared to be a body corporate, in name and deed, by the style and denomination of the " Marine and Fire Insurance Company of the city of Savannah," and by the same name and style shall have succession of officers and members, for the term of thirty years, and a common seal to use, and shall have power and authority to choose or elect such subordinate officers, and to make, alter, amend and change such bye-laws as may be agreed on by said president and directors : *Provided,* such bye-laws be not repugnant to the laws or constitution of the state of Georgia, or the United States.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the capital of said company shall be four hundred thousand dollars, to be divided and apportioned into shares of fifty dollars each share ; and that one hundred thousand dollars of said capital may be invested in, and composed of stock or treasury bills of the United States, bank stock of this state, or any other state, which bank is in good credit, or gold and silver : *Provided nevertheless,* That the said company may commence its business and operations, so soon as two hundred thousand dollars shall have been paid in and deposited.

SECT. 5. **And be it further enacted by the authority aforesaid,* That it shall be law- (No. 523.)
ful for the said president and directors to discount domestic bills of exchange.

May discount
domestic bills
of exchange.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said company, May insure
when organized as aforesaid, shall have full power and authority to insure property and property
effects of every nature and description, against sea risks, fire and other accidents and against sea
casualties, for which insurance companies are usually established, organized and incor- risks, fire, &c.
porated.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said company May sue, &c.
shall have full power and authority, under the style and name of the "President and
Directors of the Marine and Fire Insurance Company of the City of Savannah," to sue
for and receive all such sum or sums of money as may become due to the said com-
pany, before any tribunal having jurisdiction thereof; and the rights and privileges of
said company, in any court, or at any tribunal whatever, to defend; and also, to take, May possess
receive, purchase, hold and possess; any property, real or personal, for the use, benefit property, real
or advantage of said company; and to sell, make over, and dispose of the same, in any and personal,
manner the said company may direct; and the said company shall be, and are hereby and dispose of
declared to be, vested with all the powers and advantages, privileges and emoluments, the same.
of an association of persons incorporated for the intentions and purposes aforesaid.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate,

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

* This section repealed by act of 1816, No. 525.

(No. 524.)

AN ACT

To incorporate the Milledgeville Mechanic Society.

Preamble.

WHEREAS, William Robertson, president, and Francis Jeter, secretary, of the Milledgeville Mechanic Society, have by their petition represented, that a number of the mechanics of Milledgeville, desirous of placing their various crafts on a more respectable and social footing than heretofore, and of establishing, by their joint exertions and voluntary contributions, a permanent fund for the relief and support of such of their unfortunate brethren, or their families, as may become objects of charity, have formed themselves into an association or society, under the title before mentioned: And in order to establish their said institution in a permanent and effectual manner, so that the benevolent objects thereof may be executed with success and advantage, have prayed the legislature to grant them an act of incorporation, whereby they may hold property, and sue and be sued, in their united capacity:

The Milledgeville Mechanic Society incorporated.

Its style.

Shall have perpetual succession, and a common seal.
May make bye-laws, &c.
Proviso.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons herein before mentioned, and others who are or may become members of said society, the officers and members thereof, and their successors shall be, and they are hereby declared to be, a body incorporate, in name and in deed, by the style and denomination of the President and Secretary of the Milledgeville Mechanic Society; and by the said name and style shall have perpetual succession of officers and members, and a common seal to use; and shall have full power to make, alter, amend and change such bye-laws as may be agreed on by the members of the same: *Provided,* such bye-laws be not repugnant to the laws or constitution of this state, or of the United States.

May sue for monies due said society.

May receive and apply donations, &c.

SECT. 2. *And be it further enacted,* That they shall have full power and authority, under the style and name before recited, to sue for and recover all such sum or sums of money as now are or hereafter may become due to the said society, at any court of law, or at any tribunal having jurisdiction thereof, and the rights and privileges of said society in any court, or at any tribunal whatever to defend; and also to receive, take and apply such donations or bequests as may be made to and for the uses and purposes intended by said institution, and shall be, and are hereby declared to be, vested with all the powers,

advantages and privileges of an association or society of people incorporated for the (No. 524.) purposes and intentions of their said association.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th. December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 525.)

*To repeal the fifth section of an act, passed the 16th of Decémber, 1815, entitled
An act to establish and incorporate an Insurance Company, called the Marine
and Fire Insurance Company of the City of Savannah.*

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the fifth section of the before recited act be, and the same is hereby repealed.

The 5th section of the recited act repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 526.)

AN ACT*

To Incorporate the Protestant Episcopal Society of Augusta and County of Richmond, and to authorize the Trustees of the Richmond Academy to convey a Lot of Land, in the City of Augusta, to said Protestant Episcopal Society.

The trustees of the Protestant Episcopal Society of Augusta nominated and incorporated.

Their style and powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That John Milledge, John Carter, Valentine Walker, George Walton, Thomas Watkins, Richard Tubman, Edward F. Campbell, Augustine Slaughter, Freeman Walker, Joseph Hutchinson, William M. Cowles, Walter Leigh, John A. Barnes, Milledge Galphin and Patrick Carnes, and their successors in office shall be, and they are hereby declared to be a body corporate, by the name and style of the Trustees of the Protestant Episcopal Society in the city of Augusta and county of Richmond; and the said trustees are hereby authorized to have and use a common seal, and they are hereby declared to be able and capable in law of suing and being sued, pleading and being impleaded, and to have, hold and enjoy real and personal property, for the use and purpose of erecting a church or house of worship for the said society in the city of Augusta, and for the maintenance and support of a minister of the gospel for the said society.

Three pews in the church reserved for strangers.

And also be it enacted, That three pews in said church or house of worship shall be reserved for the use of strangers.

Vacancies.

Persons residing out of the county ineligible.

SECT. 2. *And be it further enacted,* That the said trustees, and their successors in office, shall have power to fill all vacancies which may happen in their board, from time to time, by resignation, death or otherwise; and no person who resides out of the county of Richmond shall be eligible as a trustee of said society.

Trustees of Richmond Academy authorized to convey to the

SECT. 3. *And be it further enacted by the authority aforesaid,* That the trustees of Richmond Academy be, and they are hereby authorized and empowered to convey to the trustees before named, and their successors in office, all that lot of land containing one

* This act altered and amended by act of 1819, No. 542. See act of 1818, No. 535, which vests in the trustees of this society the fee simple of a certain burial ground in Augusta.

acre, to be laid off by the trustees of Richmond Academy, where they may think most proper for the erection of the said house of worship. (No. 526.)

said trustees a lot in Augusta, whereon to erect a church.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 527.)

To increase the Fire Company of the City of Augusta.

WHEREAS, the rapid growth of the city of Augusta, and its increasing importance, as a commercial city, to the agricultural interests of this flourishing state, require that further means should be provided to ensure its preservation against the ravages of fire, produced either by accident or from the torch of the incendiary; and as the number of those who now compose the fire company of that city is too limited to constitute a force which may be safely relied upon in the event of fires, for its certain and speedy extinguishment: Preamble.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act the Fire Company of the city of Augusta shall be composed of sixty, instead of thirty men, under the same rules, exemptions and restrictions as heretofore, any law to the contrary notwithstanding. The Fire Company of Augusta to consist of 60 men.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

* See act of 1819, No. 541, which increases this company to 100 men.

(No. 528.)

AN ACT

To incorporate the Baptist Church in the city of Augusta and county of Richmond, and to authorize the Trustees of the Richmond Academy to convey a Lot of Land in the city of Augusta to said Baptist Society.

Trustees of
the Baptist
Society of Au-
gusta nomina-
ted and incor-
porated.
Their style
and powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Abram Marshall, John McKinne, James H. Randolph, Woodson Ligon and Jesse D. Greene, and their successors in office shall be, and they are hereby declared to be, a body corporate, by the name and style of the Trustees of the Baptist Society in the city of Augusta and county of Richmond; and the said trustees are hereby authorized to have and use a common seal, and they are hereby declared to be able and capable, in law, of suing and being sued, pleading and being impleaded, and to have, hold and enjoy real and personal property for the use and purpose of erecting a church or house of worship for the said society in the city of Augusta, and for the maintenance and support of a minister of the gospel for the said society.

Vacancies in
their board,
how filled.

SECT. 2. *And be it further enacted,* That the said trustees, and their successors in office, shall have power to fill all vacancies which may happen in their board, from time to time, by resignation, death or otherwise.

Trustees of
Richmond
Academy au-
thorized to
convey a lot
of land to said
society.

SECT. 3. *And be it further enacted,* That the trustees of Richmond Academy be, and they are hereby authorized and empowered to convey to the trustees before named, and their successors in office, all that lot of land containing one acre, to be laid off by the trustees of Richmond Academy, where they may think most proper.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 529.)

To incorporate the Newport Baptist Church in the county of Liberty.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Bacon, senr. Oliver Stevens, James E. Hines, William Baker and Peter Winn, and their successors in office shall be, and they are hereby declared to be, a body corporate, by the name and style of the Trustees of the Newport Baptist Society of the county of Liberty; and the said trustees are hereby authorized to have and use a common seal, and they are hereby declared to be able and capable, in law, of suing and being sued, pleading and being impleaded, and to have, hold and enjoy real and personal property, for the use and purpose of said society, in the county of Liberty, and for the maintenance and support of a minister of the gospel for the said church.

Trustees of
Newport Baptist
Society
incorporated.
Their style
and powers.

SECT. 2. *And be it further enacted,* That the said trustees, and their successors in office, shall have power to fill all vacancies which may happen in their board, from time to time, by resignation, death or otherwise.

Vacancies
how filled.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 20th November, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 530.)

AN ACT

To authorize the Trustees of the Roman Catholic Church in Augusta, and the Trustees of each and every other Church in said city, to rent out a part of the lot conveyed to them for religious purposes.

Trustees of each church in Augusta authorized to rent or lease out such parts of their respective lots as are unemployed.

Proviso.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the trustees of the Roman Catholic Church in the city of Augusta, and the trustees of each and every other church in said city be, and they, or a majority of them, are hereby authorized to rent or lease out, from time to time, at public auction, and upon such covenants and conditions as to them may seem advisable, such parts of the lot or lots, conveyed to them, respectively, for religious purposes, as may not be necessary for the use of the congregation, as the site of the church, and for a church yard and parsonage: Provided always, that the rents and proceeds shall be appropriated to the support of the clergymen officiating in the said churches respectively, or to the improvement, extension or repairs of the same, and to no other purpose whatever.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 531.)

AN ACT

To incorporate the Eatonton Library Society, in the county of Putnam.

Preamble.

WHEREAS, Coleman Pendleton, president ; Alonzo Church, librarian ; John Hudson, secretary ; John Collason, treasurer ; William Turner, Peter F. Flournoy, William Williams, Stephen W. Harris, Thomas Hoxey, William Walker, Christopher B. Strong, Henry Branham, Edward Varner, Eli S. Shorter, Benjamin Catching, John Trippe, John White, William E. Adams, George Moore, Thomas Sparkes, Augustus Hayward, Irby Hudson, John M. Bride, Richard W. Fox, William Alexander, Jeremiah Clark, John J.

Smith and Wiley Abercrombie, have, by their petition, prayed to be incorporated under (No. 531.) the name and style of the Eatonton Academy Library Society, with the usual rights and immunities of other incorporated associations.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the several persons herein before named, and others who are or may become members of the society before mentioned, and their successors, shall be, and they are hereby declared to be, a body corporate in name and in deed, by the name and style of the "Eatonton Academy Library Society," and by that name and style shall have perpetual succession of officers and members, and shall have full power to make, alter, amend and change such bye-laws as may be agreed on by the members of said incorporation: *Provided,* that such bye-laws be not repugnant to the constitution and laws of this state.

The Eatonton Academy Library Society incorporated.
Its style.
May make bye-laws.
Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said corporation shall have full power and authority, under the name and style of the Eatonton Academy Library Society, to sue for and recover all such sum or sums of money as now are, or hereafter may become due to said society, in any court of law having competent jurisdiction thereof, and the rights and privileges of the said society in any court, or at any tribunal whatever to defend; and also to receive, take and apply any and all bequests or donations which may be made, to and for the uses and purposes intended by the said institution, and shall be, and are hereby declared to be, vested with all the powers and advantages, privileges and emoluments, for the purposes and intentions of said association.

May sue, &c.
May receive and apply bequests or donations.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 532.)

AN ACT

To incorporate the Union Axe and Firemen of the city of Savannah.

Preamble. WHEREAS, an Union Axe and Fire Company has been established in said city, known by the name of the Union Axe and Firemen :

The Union
Axe and Fire-
men of Savan-
nah, incorpo-
rated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That James Marshall, principal director, Richard Wayne, E. S. Rees, W. H. Thompson, John F. Floyd, James Hills, Gardner Tufts, Peter Schenck, G. W. Overstreet, Frederick S. Fell, and T. M. Chamberlin, sub-directors, are appointed, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of the Union Axe and Firemen of the city of Savannah.

May make
bye-laws.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the several persons herein before named, and their successors in office, shall have full power to make, alter, amend and change such bye-laws as may be agreed on by the members of the same: *Provided,* such bye-laws be not repugnant to the laws or constitution of this state, or of the United States.

Proviso.

May sue, &c.

SECT. 3. *And be it further enacted,* That they shall have full power and authority, under the style and name before recited, to sue for and recover all such sum or sums of money as now are, or hereafter may become due to the said association, at any court of law, or at any tribunal having jurisdiction thereof, and the rights and privileges of said association in any court, or at any tribunal whatever to defend; and also to recover, take and apply such donations or bequests as may be made to and for the uses and purposes intended by the said association, or company of people incorporated, for the purposes and intentions of their association.

May receive
and apply do-
nations, &c.

The Union
Axe and Fire-
men exempt
from the du-
ties of jurors
in the magis-
trates' and
mayor's
courts, and
from the duties
of city constables.

SECT. 4. *And be it further enacted,* That in consideration of the services and usefulness of an association of this kind, the officers and members of the Union Axe and Firemen be, and they are hereby exempt from the duties of jurors in the magistrates' and mayor's courts, and from the duties of city constables, during the time that they actually belong to the association, and are acting in the capacity of firemen.

SECT. 5. *And be it further enacted,* That whenever it shall appear to the mayor of the city of Savannah, that the above association shall fail for three regular meetings to

parade twenty persons, (excepting in the months of August, September and October, (No. 532.) commonly called the sickly months,) which shall be ascertained by a return being made to said mayor regularly after every meeting, that then this association shall cease and be declared void.

Requisite
number of the
association.

SECT. 6. *And be it further enacted*, and it is hereby enacted, and is made the duty of the officer commanding at such parade, to make the return as above recited the day after such meeting or parade.

SECT. 7. *And be it further enacted*, That the number of individuals in the above named incorporated body shall never exceed eighty, exclusive of officers.

Not to exceed
eighty men.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 15th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 533.)

To incorporate the Baptist Church at Bethesda, in Greene county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That the members of the Baptist church (formerly known by the name and style of the Baptist Church at Whitley's mill,) on Little river, in Greene county, be, and they are hereby declared a body corporate, and known by the name of the Baptist Church at Bethesda.

The Baptist
church at
Bethesda, in
Greene coun-
ty, incorporat-
ed.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the deacons of said church now being, and their successors in office, be vested with all the property which may now belong to, or claimed by said church, and any which may hereafter come into their possession in right of said church, both real and personal, to have and to hold the same, free of taxation, for the sole use, benefit and behoof of said church, in the promotion of the public worship of God: and they are hereby authorized and em-

Property of
the church
vested in the
deacons.

Free from
taxation.

(No. 533.) powered, and their successors in office, to use and exercise themselves in all the functions usually conveyed by acts of incorporation to religious bodies.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 534.)

AN ACT

To incorporate the Savannah Free School Society.

Preamble.

WHEREAS, several persons in the city of Savannah have associated themselves together, and have formed an institution called "*The Savannah Free School Society*," for the purpose of affording education to the children of indigent persons, and which society has already commenced to dispense the benefits of education, religion and morality to a number of children of both sexes, in the city of Savannah, and to train them to habits of industry and usefulness: the more effectually to accomplish the benevolent purposes of the society;

Members of
the Savannah
Free School
Society nam-
ed and incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
That Mary C. Taylor, Mary Ker, Sarah Jones, Gertrude Dunning, Eliza Roberts, Caroline Frazer, Eliza Hunter, Isabella Hunter, Mary Cleland, Sophia Evans, Catharine Barnes, Jane Jackson, directresses; and M. Kolloch, M. Hunter, E. Irvine, L. Reid, S. C. Noel, J. Howard, S. Bullock, H. F. Carnochan, Henry Kolloch, William Taylor, George Jones, J. Waters, C. Tracy, Robert Isaac, S. B. Packman, Chas. Gildon, F. Shearer, E. A. Taylor, M. Wallace, S. Morel, E. Bulloch, P. Minis, S. Waters, C. Stephens, L. Isaac, R. Armour, J. Armour, H. Woodbridge, J. Pence, C. Burroughs, M. Habersham, H. Smith, R. Wellman, John Drisdale, Jas. McHenry, L. Kolloch, Fred. Densler, S. Casey, Nathl. Lewis, P. Guerard, Wm. P. Beers, Alfred Cuthbert, — Woolhopter, Charles Harris, A. Hobby, F. H. Wellman, Jno. Lewis, Francis Courvoisie, Moses Cleland, J. Gogle, Mary Griffith, H. McAlister, Heza. Almy, Jane Gardner, Sarah Cope, Joseph Cumming, — Roberts, C. Heib, R. M. Pooler, Fs. Barlow, M. Henry, M.

Dunning, M. E. Cuyler, J. Penfield, Elk. Bolles, M. Demere, Jane Robertson, S. (No. 534.)
 Scriven, E. Holmes, S. Lewis, Margt. Kopman, R. Myers, H. Eppinger, M. Cumming,
 B. Taylor, Wm. T. Williams, J. C. Schenck, John McNish, Thos. Bond, Norman
 Wallace, Wm. Smith, Murdock McLeod, S. C. Dunning, John Nichol, Anthony Porter,
 Jas. Almy, Ed. Harden, J. M. Russell, Eleazer Early, Ann Joor, J. Wallen, George
 Cope, John F. Herb, Jno. Minter, Peter Harroway, T. Myers, Wm. R. Waring, E.
 Bliss, Geo. Relph, F. D. Petit De Villers, Sol. Bird, J. G. Wilson, M. King, Peter
 Mitchell, C. Mitchell, J. Minis, Matthew McAllister, E. Anderson, E. Herbert, M.
 Lewden, J. Johnston, Mary Kempton, M. Defource, H. Hunter, E. Sturges, M. Wallace.
 E. Sturges, A. Jones, George Anderson, A. Minis, F. Haupt, R. Morin, J. R. Warner,
 A. Gaudry, Donald McLeod, L. Stanton, Elias Reid, D. Hall, Silas Chase, M. Myers,
 J. Palm, T. Gray, — Falm, H. Gray, James S. Bulloch, James Bilbo, Robt. Watts,
 A. Campbell, Isc. Coher, Wm. S. Gillet, M. Demere, A. Gordon, H. Neyle, M. Telfair,
 Ann Gibbons, E. Aikin, E. Tanner, J. Carruthers, S. Williamson, D. Minis, Charles
 Trot, Eb. Rees, John P. Williamson, Wm. Gibbons, R. Knox, M. Hotchkiss, M. Hills,
 B. Swarbreck, Wm. Evans, Wm. Gaston, E. Clark, H. Bilbo, S. Owens, M. Gordon, R.
 Johnston, Robert Habersham, J. Early, S. White, Jas. Marshall, H. Haist, S. Cecil, S.
 Decheux, Sarah Haig, M. J. Wayne, Bel. Robertson, J. Greene, M. Rees, M. Densler,
 Thos. Young, H. Campbell, Noble Jones, E. Lawrence, Eliza McKay, H. Johnston, Henry
 Bomgirin, E. Devant, M. B. Smith, A. M. Johnston, B. R. Johnston, Patrick Houstoun,
 A. Habersham, M. Irvine, George Heib, Moses Sheftall, A. Pray, C. McLean, A. Ogle-
 bay, M. Williams, S. Smith, H. Parkman, J. Stiles, M. McLeod, Jno. Bogne, C. Miller,
 M. McHenry, Jno. H. Bruen, E. Miller, A. Anciaux, E. Atkinson, E. Hart, C. Hart,
 — Stark, Samuel Wright, M. Lavenden, Jane Irvine, R. Howard, William Scarbrough,
 George Jones, John Speakman, Ann Wayne, Mary Heib, Sarah Habersham, — Irvine,
 and all such other persons as now are and shall hereafter become members of the said
 society shall be, and are ordained, constituted and declared a body corporate and politic,
 in fact and in name, by the title of "*The Savannah Free School Society*," and by that
 name and title they, and their successors for ever hereafter, shall and may have succes-
 sion, and by that name and title shall and may be persons, in law, capable to sue and
 be sued, plead and be impleaded, answer and be answered unto, defend and be defended,
 in all courts and places whatsoever, in all manner of actions, suits, complaints, matters
 and causes whatsoever; and that they and their successors may have a common seal, and
 may change and alter the same at pleasure; and they and their successors by the said
 name shall be for ever hereafter capable, in law, to purchase, take, receive, hold and
 enjoy any estate, real or personal, of whatever nature or quality soever, to the use of
 them the said *Savannah Free School Society*, and their successors; and all donations,
 gifts, grants, purchases, bequests, devises, privileges and immunities whatsoever, which
 belong or appertain, or shall or may hereafter be given, granted, sold, conveyed, assigned,
 bequeathed, devised to or conferred upon, the said *Savannah Free School Society*.

Their title.

Shall have
perpetual suc-
cession.May sue and
be sued, &c.May have a
common seal.May hold real
and personal
property, &c.

(No. 534.)

There shall be thirteen directresses.

First directresses nominated.

Their continuance in office.

May establish free schools in Savannah.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That there shall be for ever hereafter thirteen directresses of the said corporation, who shall manage and conduct all the affairs of the same: and the first directresses of the said corporation shall be Mary C. Taylor, Jane Jackson, Eliza Roberts, Caroline Coppee, Catharine Barnes, Sophia Evans, Caroline Frazer, Sarah Jones, Mary Ker, Eliza Hunter, Isabella Hunter, Gertrude Dunning, and Mary Cleland, who shall hold their offices until the last Monday in November, 1819, and shall have power to establish a free school or schools in the city of Savannah, for the education of children of both sexes, the offspring of indigent persons: *Provided always nevertheless,* that hereafter when a free school or schools for the instruction of boys, under the direction and management of men, shall have been duly established, incorporated or otherwise put into full operation by the legislature, then the right to the education of boys, by the Savannah Free School Society, shall cease, and be limited to the education of female children; yet such education of boys by the Savannah Free School Society, if acquiesced in by any other public institution having boys under their charge, shall not be construed to operate as a violation or forfeiture of this act of incorporation, or any part thereof.

Election of directresses regulated.

SECT. 3. *And for the keeping up of the succession in the said offices, Be it further enacted by the authority aforesaid,* That on the last Monday of every November in each succeeding year for ever hereafter, or as soon thereafter as may from circumstances be practicable, there shall be a general meeting of the members of the said corporation, which shall be held at some convenient place in the city of Savannah, to be appointed by the directresses for the time being, then and there by ballot to elect thirteen directresses as above mentioned; and the thirteen members of the society who shall receive the greatest number of votes, shall be directresses for the ensuing year, and shall enter on the management and direction of the affairs of the society, on the day appointed for the first regular meeting of the directresses thereafter, and shall continue in the same for the term of one year, ending on the last Monday in the succeeding November, or till others shall be elected in their stead: and in case any of the persons elected as above mentioned to be directresses, shall die or remove out of the county of Chatham, before their term of service shall have expired, or shall resign or refuse to execute their offices, the remaining directresses shall, at their first regular meeting thereafter, elect another or other members of the society, in the stead of her or them so dying, removing, or refusing to act, which person or persons so elected shall hold their offices until the last Monday of the November next ensuing, and till others have been elected in their stead. At their first regular meeting, the directresses shall elect, by ballot, from among their own number, one person to act as *first directress*, one as *secretary*, and one as *treasurer*, who shall immediately enter on the duties of their offices, and hold the same for the term of one year, and until others shall be elected in their stead; unless a vacancy should occur sooner, which shall be filled up by the direc-

Vacancies, how filled.

A first and second directress, a secretary and treasurer, to be elected.

tresses in like manner. And it shall be the duty of the directresses to meet regularly (No. 534.) on the first Monday in every month, and at such other times as may be deemed expedient, and seven or more of them shall constitute a quorum, and be a legal meeting; and a majority of them shall have power to make all such bye-laws, rules and regulations, not contrary to law or this act, for the government of the society and its affairs, and for the admission of members thereinto, as to them shall seem requisite and expedient, and the same to alter, amend and repeal, as they, or a majority of them, shall think fit; and shall have power to call a general meeting of the society, with the power of adjournment from time to time, whenever they may judge it expedient and necessary.

Meetings of the directresses regulated.

May make bye-laws.

May call a general meeting.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the directresses of this society, to report annually to the general meeting of the members, on the last Monday in November of each year, or on the day of the general annual meeting, a particular account of the school or schools under their care, and of the monies and other profits and effects, by them received and expended during the year, so as to exhibit a full and perfect settlement of the property, funds and affairs of the said society.

Shall make an annual report to the general meeting of the members

SECT. 5. *And be it further enacted by the authority aforesaid,* That this act shall be and hereby is declared to be a public act, and shall be construed benignly and favourably for every beneficial purpose hereby intended; nor shall any non-user of the privileges hereby granted this incorporation, create or produce any forfeiture of the same.

This act declared a public act.

To be construed liberally.

SECT. 6. *And be it further enacted by the authority aforesaid,* That no misnomer of the said corporation in any deed, will, testament, gift, grant, demise or other instrument of contract or conveyance, shall vitiate or defeat the same: *Provided,* the corporation shall be sufficiently described to ascertain the intention of the parties; and all grants, gifts and conveyances, hitherto made to the directresses of the Savannah Free School Society, or any of them, and their successors in office, before this act of incorporation, shall be held good and valid in law, to convey the same to this corporation, and all estate, real and personal, so conveyed, shall be vested in them, for the benefit of the Savannah Free School Society.

No misnomer of the corporation in any deed, &c. shall vitiate the same.

Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the husband of any married woman, who is or may be a member or officer of the said corporation, shall not be liable to the said corporation for any loss occasioned by the neglect or malfeasance of his wife, or upon any subscription or engagement of his wife; but if he shall have received any money from his wife belonging to the said corporation, or the same shall have been applied to his use, he shall be accountable therefor; or if the husband's

The husband of any woman, a member of said corporation, not liable for acts, &c. of his wife. He shall be accountable for monies re

(No. 534.) goods shall be attached or taken in execution by any process, or if he shall become insolvent, such money, if received after the passage of this act, shall be paid by the trustees or assignees to the said corporation, in preference to all other debts; and all other property and effects of the said society, coming into his hands by privity of his wife, shall not in any way be subject to his debts.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 535.) AN ACT

To vest the fee simple of the cemetery or burial ground in the city of Augusta in the Trustees of the Protestant Episcopal Church of said city.

Preamble.

WHEREAS, a certain lot of ground in the city of Augusta, bounded southwardly by Reynold-street, westwardly by lands owned by Jacob Danforth, northwardly by the river, and eastwardly by Washington-street, has from time immemorial been used as a cemetery or burial ground: And whereas, a decent respect to the memory of the dead requires that their ashes should not be disturbed, and the last sad claim, which they make upon their contemporaries, be merely temporary, and forgotten after the lapse of a few years: therefore,

The fee simple of the burial ground in Augusta vested in the Protestant Episcopal Church. Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the fee simple of the said lot be, and it is hereby vested in the trustees of the Protestant Episcopal Church of the city of Augusta, and their successors in office *for ever: Provided nevertheless,* that the said lot shall never be used for any other purpose than the interment of the dead, and the erection of a place or places of public worship, dedicated to the Supreme Being.

SECT. 2. *And whereas,* claims might hereafter be raised by the trustees of the Richmond Academy and their successors, upon the said lot; therefore, to obviate all disputes

and difficulties which might or could arise : *Be it further enacted by the authority afore-* (No. 535.)
said, That the said trustees be, and they are hereby authorized and required forthwith
 to relinquish, by deed of indenture, unto the said trustees of the Episcopal church, all
 the right, title and interest which they, or their successors, may or can have in and to
 the said lot of land.

Trustees of
 Richmond
 Academy re-
 quired to re-
 linquish all
 title, &c. to
 said lot.

SECT. 3. *Be it further enacted*, That if the said trustees, or their successors, shall,
 at any time or times hereafter, convert the said lot to any use or uses, other than for
 the erection of a place or places of worship, or a burial ground, contrary to the true
 intent and meaning of this act, then, and in that case, the fee simple, and all the rights
 and immunities hereby intended to be conveyed, shall revert to the state of Georgia,
 as fully, freely and absolutely, as if this act had never been made.

Said lot to re-
 vert to the
 state, in case
 the trustees of
 said church
 should use it
 for any other
 purpose than
 the erection
 of places of
 worship, or as a
 burial ground.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 536.)

To incorporate the Stockholders of the Savannah Theatre.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of*
Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,
 That all persons who now are, or who shall become subscribers to the Savannah Theatre,
 their successors and assigns, shall be, and they are hereby created and constituted a cor-
 poration and body politic, by the name and style of the "Stockholders of the Savannah
 Théâtre," and by that name and style shall be, and are hereby made capable in law to
 sue and be sued, plead and implead, to have, hold, purchase, receive, possess, enjoy and
 retain, to them and their successors, lands, rents, tenements, hereditaments, goods and
 chattels, of whatsoever kind, nature or quality the same may be, to make such bye-laws
 and regulations as may be necessary, and to do and perform all such lawful acts as are
 in like cases provided to be done.

Stockholders
 of the Savan-
 nah theatre
 incorporated.

Their style
 and powers.

(No. 536.) SECT. 2. *And be it further enacted by the authority aforesaid,* That within three months from and after the passing of this act, an election shall be held for five trustees, to be chosen from amongst the stockholders, to manage and direct the affairs of the said corporation, who shall hold their offices during life; and in case of death or resignation, on due notice previously given, the stockholders shall, twenty days thereafter, proceed to elect others to fill the said vacancy or vacancies. And the said trustees, when so elected as aforesaid, shall choose from amongst their number a chairman, who shall have such powers as are usual in such cases, and such other officers as may be needful.

SECT. 3. *And be it further enacted,* That the stock of said corporation shall be divided into shares of three hundred dollars each. The full sum of three hundred dollars, duly paid, shall entitle the holder thereof to one vote: no person shall be entitled, who shall not have paid the full amount of a share: certificates of shares shall be signed by the trustees, or such officer as they, or a majority of them, may appoint: and the said stock shall be transferable on the books of the corporation, in like manner as bank stock.

SECT. 4. *Be it further enacted,* That such persons as shall be elected by virtue of the second section of this act, shall be taken and held as the successors of such persons as have hitherto managed and directed the affairs of the stockholders; and all grants, gifts and conveyances, whether real or personal property, hitherto made, shall vest in the said trustees, to be elected, and their successors, to and for the use of the said stockholders; and all acts, lawfully done hitherto by those persons, in the name and for the said stockholders, shall be deemed and held valid.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 537.)

Of incorporation of the Wilkes Agricultural Society.

WHEREAS, a number of persons in the county of Wilkes have associated, under the name of "The Wilkes Agricultural Society," for the purposes of improvement in the knowledge and practice of agriculture: now, in order that said society may assume a becoming respectability, and that the objects of its institution may be furthered;

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

That Benjamin Porter, Matthew Talbot, David P. Hillhouse, Samuel Barnett, John Graves, senr. Bolling Anthony, Wm. A. Grant, Wm. Jones, Duncan G. Campbell, John H. Pope and John Walker, officers, and all such other persons as now are, or shall hereafter become members of said society, shall be, and are hereby ordained, constituted and declared a body corporate in fact and in name, by the title of "The Wilkes Agricultural Society;" and by that name and title they and their successors, for ever hereafter, shall and may have succession, and by that name and title shall and may be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors, by their said name, shall be for ever hereafter capable in law to purchase, take, receive, hold and enjoy any estate, real or personal, of whatever nature or kind whatsoever, to the use of said society and their successors; and all donations, gifts, grants, purchases, bequests, privileges and immunities whatsoever, which belong or appertain, or shall or may hereafter be given, granted, sold, conveyed, assigned, bequeathed or devised to, or conferred upon the said society.

The Wilkes
Agricultural
Society. incor-
porated.

Their style
and powers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said society shall for ever hereafter have the power and authority to hold such regular and extra meetings, to elect such officers, and to enact such bye-laws and regulations, as may be necessary for the government and proper management of the said society and the affairs thereof.

May regulate
their meet-
ings, appoint
officers, and
enact bye-
laws.

SECT. 3. *And be it further enacted by the authority aforesaid,* That this act shall be construed liberally and favourably for every beneficial purpose hereby intended, nor

Construction
of this act, &c.

(No. 537.) shall non-use of the privileges hereby granted create or produce a forfeiture of the same.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

(No. 538.)

AN ACT

To incorporate the Axe and Firemen of the city of St. Mary's.

Preamble.

WHEREAS, an association of an axe and fire company has been established in said city, known by the name of "The Fire and Axe Company :"

The Fire and
Axe Company
of St. Mary's
incorporated.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That John Stotesbury, principal director, and M. H. Hebbard, John Bachlott, J. Bachlott, Lewis Bachlott, Thomas C. Randolph, Daniel Mickler, Edward John Shearman, Harman Courter, William Proctor, Robert Ripley, Edward D. Courter, Israel Geer, George Long, Charles H. Deshon, S. B. Fitzpatrick, Alexander Bachlott, Francis Randolph, W. H. Williams and Isaac Bailey, members, are appointed, and their successors in office shall have full power to make, alter, amend and change such bye-laws as may be agreed on by the same: *Provided,* such bye-laws be not repugnant to the laws of this state or of the United States.

Their powers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said company shall have full power, under the style and name before recited, to sue for and recover all such sum or sums of money as now are, or that may hereafter become due and owing to the said company, in any court of law having jurisdiction thereof, and the rights and privileges of said company in any court or tribunal whatever to defend, and also to recover, take and apply any donation or bequest that may be made to and for the uses and purposes intended by the donor, for the benefit and advantage of said association or company.

SECT. 3. *And be it further enacted*, That the number of individuals in the above (No. 538.) named incorporated body shall not exceed, (officers included,) the number of twenty-five: *Provided however*, that nothing in this law shall be so construed as to entitle the said corporation to hold lands in its own name, or in the name of another, to and for the use of said corporation.

Number not
to exceed
twenty-five.
Proviso.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 539.)

To incorporate the Augusta Female Asylum.

WHEREAS, a society has been formed in the city of Augusta, for the education and maintenance of female orphans: And whereas, it is desirable to encourage benevolent societies of that nature:

Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That Hannah Longstreet, Ann Cumming, Elizabeth Reid, A. F. E. Slaughter, Kezia Arnold, Mary Murren, Mary Smelt, C. M. Cashin, F. Moore, Priscilla Sims, Mary C. Carmichael, Lucretia Moore, C. Watkins and C. Beach, directresses of the Augusta Female Asylum, and their successors in office, be, and they are hereby created a body corporate, to be known by the name and style of the *Augusta Female Asylum*, with full power and authority by that name to contract and be contracted with, to sue and be sued, or plead or be impleaded.

Directresses
of the Female
Asylum of
Augusta no-
minated and
incorporated.
Their style.

SECT. 2. *And be it further enacted*, That the said corporation, by its said corporate name, shall have full power and authority to acquire and hold estate, real and personal, by gift, grant, alienation or devise, or in any other mode whatsoever, according to the laws of this state.

May hold pro-
perty.

(No. 539.) **SECT. 3.** *Be it further enacted,* That all contracts, gifts or grants heretofore made with the directresses of the Augusta Female Asylum, shall be deemed valid in law to inure to the benefit of said Augusta Female Asylum, as if the same had been made by the present corporate name.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

(No. 540.)

AN ACT

To incorporate the Sunbury Female Asylum.

Preamble.

WHEREAS, by a petition from a number of ladies in the town of Sunbury, it is represented that they, together with their associates, have founded a society for the humane purpose of relieving, protecting and instructing orphan children of their own sex, and have prayed to be incorporated:

Sunbury Female Asylum incorporated.

Their style and corporate powers.

SECT. 1. *THEREFORE be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That all such persons of the female sex as now are, or shall hereafter become annual subscribers, to the amount of three dollars per annum, to the said association, shall be, and are hereby constituted a body corporate and politic in fact and in name, by the denomination of the "Sunbury Female Asylum," and by that name shall have perpetual succession, and be in law capable of suing and being sued, defending and being defended, in all courts of law and places, and in all manner of actions and cases whatever, and may have a common seal, and change the same at their pleasure; and shall by that name and style be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of said corporation.

A board of trustees to be constituted.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the estates and concerns of the said corporation shall be managed, directed and disposed of by a board of trustees, to be composed of a first and second directress, a treasurer, secretary, and seven trustees, to be elected by a plurality of ballots of the members resident in the

county of Liberty, being annual subscribers as aforesaid, and present at such elections (No. 540.) yearly, on such day and at such time as the board of trustees may from time to time appoint.

SECT. 3. *And be it further enacted*, That the said board may from time to time make such bye-laws, ordinances and resolutions, relative to the management and dispositions of the estate and concerns of said corporation, and the regulation of the persons exercising the offices aforesaid, not contrary to law, and may appoint such other officers, agents and servants, as they may deem necessary to transact the business of said corporation, and designate their duties. Powers of said board.

SECT. 4. *And be it further enacted*, That all contracts, gifts or grants, heretofore made with the directresses of the Sunbury Female Asylum, shall be deemed valid in law, and inure to the benefit of said association, as if the same had been made by the present corporate name. Contracts, &c. heretofore made with the directresses of said Asylum legalized.

SECT. 5. *And be it further enacted*, That all laws or parts of laws militating against this act be, and the same are hereby repealed. Repealing clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

(No. 541.)

AN ACT

To increase the Fire Company of the city of Augusta.

Preamble.

WHEREAS, the rapid growth of the city of Augusta requires that further means should be provided to ensure its preservation against the ravages of fire, produced either by accident or from the torch of the incendiary, and as the number of those who compose the fire company of that city is too limited to constitute a force which may be safely relied upon, in the event of fires, for its certain and speedy extinguishment :

The Fire
Company of
Augusta to
consist of 100
men.

Proviso.

BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,
That from and after the passing of this act, the Fire Company of the city of Augusta shall be composed of one hundred; instead of sixty men, under the same rules, exemptions and restrictions as heretofore: *Provided*, nothing in this act shall be so construed as to prevent said company from doing militia duty, in case of invasion or insurrection, any law to the contrary notwithstanding.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 542.)

To alter and amend an act, entitled "An act to incorporate the Protestant Episcopal Society of Augusta and county of Richmond, and to authorize the Trustees of the Richmond Academy to convey a Lot of Land, in the city of Augusta, to said Protestant Episcopal Society."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passing of this act, that Richard Tubman, John Carter, Samuel Hale, Valentine Walker, George Walton, Thomas Watkins, John A. Barnes, Edward F. Campbell, Augustine Slaughter, Freeman Walker, James C. Winter, L. C. Cantelou, Milledge Galphin, Patrick Carnes and John Course, at present known as the trustees of the Protestant Episcopal Society in the city of Augusta and county of Richmond, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of the Churchwardens and Vestrymen of the Episcopal Church in Augusta, called St. Paul's Church; and that John Carter and Augustine Slaughter as churchwardens, and Richard Tubman, Samuel Hale, Valentine Walker, George Walton, Thomas Watkins, John A. Barnes, Edward F. Campbell, Freeman Walker, James C. Winter, L. C. Cantelou, Milledge Galphin, Patrick Carnes and John Course, as vestrymen, shall be invested with all manner of property, both real and personal, all monies due, donations, gifts, grants, hereditaments, privileges and immunities whatever, which may belong to the said church; and all monies that have been granted for building a new church, or which may hereafter be given, granted, conveyed or transferred for the completion of said church in Augusta, or which may be transferred to them, or to their successors in office, to have and to hold the same, for the proper use, benefit and behoof of said church: and the said churchwardens and vestrymen, and their successors in office, are hereby authorized to have and use a common seal; and they are hereby declared capable of suing and being sued, and of using all necessary legal steps for recovering and defending any property whatever, which the said church may hold, claim or demand, and is herein secured or otherwise; and also with power to make all necessary rules and regulations, and to recover, in their own name or otherwise, as well the said monies as other property, with all rents, issues and profits of the same, or of any lands, monies or other estate belonging thereto, or of any part thereof.

The persons known at present as the trustees of the Protestant Episcopal Society of Augusta, incorporated by the name of the Churchwardens and Vestrymen of the Episcopal Church in Augusta, called St. Paul's Church.

The property &c. of said church vested in said vestrymen.

Corporate powers of said churchwardens and vestrymen.

(No. 542.)

Continuance
in office.
Time, place
and manner of
electing
churchwar-
dens and ves-
trymen.

SECT. 2. *And be it further enacted*, That the said churchwardens and vestrymen shall hold their offices until Easter Monday next; and on that day, and on every other Easter Monday annually thereafter, the pew-holders, and all male persons who shall have joined the congregation, as members in full communion in St. Paul's church, as aforesaid, shall convene at the church aforesaid, and there, between the hours of ten and two o'clock, elect by ballot, from among the pew-holders and communicants of said church, two discreet persons as churchwardens, and eight other discreet persons as vestrymen for the said church, who shall be, and are hereby declared to be, vested with all powers to carry the purposes intended by this act fully into effect.

This act may
be altered or
repealed by
any future
legislature.

SECT. 3. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the alteration or repeal of the whole or any part of this act by a future General Assembly.

Repealing
clause.

SECT. 4. *And be it further enacted*, That all laws or parts of laws conflicting with this act be, and they are hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

(No. 543.)

AN ACT

To incorporate the Wharf Company of Augusta.

Preamble.

WHEREAS, the city council of Augusta did lately convey unto Henry Shultz, of said city, a certain lot or parcel of ground, extending from Washington-street to McIntosh-street, on the margin of the Savannah river, in said city, for the purpose of erecting a wharf or wharves: And whereas, the said Henry Shultz, after having erected thereon an extensive range of wharves, did release and convey all his right, title and interest therein to James McLaws, as president of an association or company, who have styled themselves "The Wharf Company of Augusta," and for the use of said company:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the* (No. 543.)
state of Georgia, in General Assembly met, and it is hereby enacted by the authority of
the same, That the several stock or shareholders in said range of wharves, and their
 successors shall be, and they are hereby declared to be, a body corporate and politic, by
 the name and style of "The Wharf Company of Augusta," and under that name and
 style may sue and be sued, defend and be defended, in any court of law or equity in this
 state, and shall moreover be entitled to all the privileges of a corporation or body politic:
Provided, any rules or regulations they may make or establish, be not repugnant to the
 laws or constitution of this state or the United States.

The Wharf
Company of
Augusta
incorporated.

May sue and
be sued, &c.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the property,
 rights and privileges, which were given and conveyed by the said city council of Augusta
 to the said Henry Shultz be, and the same are hereby vested in "The Wharf Company
 of Augusta" aforesaid: *Provided,* that nothing herein contained shall be so construed as
 to prevent any future legislature from repealing the whole or any part of this act:
Provided nevertheless, that nothing herein contained shall be so construed as to authorize
 the said corporation to issue bills, commonly bank bills or change bills.

The rights and
privileges
which the city
council con-
veyed to Hen-
ry Shultz vest-
ed in said com-
pany.

Proviso.

Proviso.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

(No. 544.)

AN ACT

Making a donation to the Savannah Poor-House and Hospital.

\$5000 given
to the Savan-
nah Poor-
house and
Hospital.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of five thousand dollars be, and the same is hereby given to the institution known by the name of the Savannah Poor-House and Hospital, and that the treasurer do, upon the application of the commissioners of the said institution, pay over the said sum out of any monies in the treasury not otherwise appropriated.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

STAGE CARRIAGES.

AN ACT

1812.

(No. 545.)

To invest William A. Dunham with the exclusive right and privilege of running a line of Stages from Savannah to St. Mary's, for the term of ten years from the first day of January next.

WHEREAS, the southern and eastern parts of the state have derived great benefit and experienced much convenience from the line of stages which has been kept up for some years past by William A. Dunham :

BE it therefore enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That William A. Dunham, of the town of Darien, his heirs and assigns, shall be, and he is hereby fully invested with the exclusive right and privilege of running a line of public stages between the towns of Savannah and St. Mary's, in such manner and on such conditions as has been usual in the granting of such privileges, for the full term of ten years from the first day of January next.

The exclusive right of running a line of stages between Savannah and St. Mary's invested in William A. Dunham.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 546.)

AN ACT

To secure to Daniel Hotchkiss, his heirs and assigns, for the term of ten years, the sole and exclusive right of running a line of Stage Carriages between the city of Savannah and the town of Milledgeville.

Daniel Hotchkiss, his heirs, &c. vested with the exclusive right of running a line of stages between Savannah and Milledgeville, for ten years.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel Hotchkiss, his heirs and assigns, shall have the sole and exclusive right of running a line of stage carriages, for the conveyance of passengers and their baggage, between the city of Savannah and the town of Milledgeville, in this state, by way of Louisville and Sandersville, or such other route as the post-road, from one place to the other, may be established and laid out, for the term of ten years, to commence on the first day of January next, which will be in the year of our Lord one thousand eight hundred and seventeen.

Violations of this exclusive right.

How punished.

Proviso.

SECT. 2. *And be it further enacted,* That if any person or persons shall, within the said term of ten years, presume to run any stage carriage or carriages, in any manner, for fare or hire, between the city of Savannah and the town of Louisville, or between the city of Savannah and the town of Sandersville, in the county of Washington, or between the towns of Louisville and Sandersville, or between the cities of Milledgeville and Savannah, or on any road whatever, between the aforesaid mentioned places; or shall presume to convey, for fare or hire, in any stage carriage, any passenger or passengers, between the towns aforesaid, so as to abridge the right granted by this act to the said Daniel Hotchkiss, without the consent or concurrence of the said Daniel Hotchkiss, under his hand and seal, first obtained; every such person or persons offending, shall forfeit and pay to the said Daniel Hotchkiss, his heirs and assigns, the sum of ten dollars, for every and any passenger so carried by any person or persons, to be recovered by the said Daniel Hotchkiss, or his legal representatives, by action of debt, before any court having cognizance thereof: *Provided nevertheless,* that the said Daniel Hotchkiss shall, within the term of five months from the passing of this act, commence and put in practice the running the said line of stages, and continue the same, between the said city of Savannah and town of Milledgeville, to the end of the time aforesaid.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 547.)

To secure to Robert H. McRea and Richard H. Long the exclusive right and privilege of running a line of Stage Carriages from Augusta, via Columbia Court-house in Columbia county, the town of Washington in the county of Wilkes, Lexington in the county of Oglethorpe, and to Athens in the county of Clark, for the term of ten years.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Robert H. McRea and Richard H. Long, their heirs, assigns, or legal representatives, shall have the sole and exclusive privilege of running a line of stage carriages, for the convenience of passengers and their baggage, and for other purposes, between the said city of Augusta, in the county of Richmond, via the said Columbia court-house, in the county of Columbia; the said town of Washington, in the county of Wilkes; the town of Lexington, in the county of Oglethorpe, and to the said town of Athens, in the county of Clark, for the term of ten years; and to commence the operation of running the said line of stages on or before the first day of October, in the year of our Lord, one thousand eight hundred and seventeen.

Robert McRea and Richd. H. Long, their heirs, &c. vested with the exclusive right of running a line of stages between Augusta and Athens, for the term of ten years.

SECT. 2. *And be it further enacted,* That if any person or persons shall, within the said term, presume to run any stage carriage or carriages, or in any manner, for fare or hire, between the places aforesaid, without the consent or concurrence of the said Robert H. McRea and Richard H. Long, or their legal representatives first had and obtained; every such person or persons so offending, shall forfeit and pay to the said Robert H. McRea and Richard H. Long, or their legal representatives, their heirs and assigns, double the amount of the sum or sums of money demanded or received by the said person or persons, for the carriage or conveyance of any person or persons to or from any part or place within the limits of the said city of Augusta and the town of Athens, comprehending all the different routes between the same, to be recovered by the said Robert H. McRea and Richard H. Long, or their legal representatives, by an action of actions of debt, before any magistrate or court having competent jurisdiction thereof: *Provided,* that the said Robert H. McRea and Richard H. Long, or their legal representatives, shall, within the term of one year from and after the passage of this act, commence and put into complete operation the running the line of stages aforesaid, and

Liability of persons violating said right.

Proviso.

* See act of 1817, No. 549, amendatory of this act.

(No. 547.) continue the same, unavoidable accidents excepted, at least once in every week, between the places, and to the end of the term aforesaid, unless the said Robert H. McRea and Richard H. Long, or their legal representatives, should think proper to discontinue the same : *Provided nevertheless*, that it shall not be lawful for the said Robert H. McRea and Richard H. Long, or their legal representatives, to discontinue the said line of stages, until they, or their legal representatives, shall have first given, in one or more of the public newspapers in this state, at least three months previous notice of their intention so to do.

Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 548.)

To enable Daniel Hotchkiss, Reuben Taylor, William Gordon and John Fryer, the present proprietors of the line of Stages between the cities of Savannah and Augusta, to give security for running the said Stages, for and to the end of the time which the right of running said line of Stages was granted to Lewis Calfrey and John Coats.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Daniel Hotchkiss, Reuben Taylor, William Gordon and John Fryer be permitted, upon producing their titles to the Governor of this state, to the line of stages between Savannah and Augusta, to give the security which is required from Lewis Calfrey and John Coats, in the act investing the said Lewis Calfrey and John Coats with the right to run a line of stages between the before mentioned places, for and during the time of ten years from the first October, 1811.

Daniel Hotchkiss, Reuben Taylor, William Gordon, and John Fryer, authorized to give security for the running of the line of stages between Savannah and Augusta.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 549.)

To secure to Robert H. McRea and Richard H. Long the exclusive right and privilege of running a line of Stages, from Washington, in the county of Wilkes, to Eatonton, in the county of Putnam, via Greensborough, in the county of Greene, for the term of ten years, and to amend an act, entitled An act to secure to Robert H. McRea and Richard H. Long the exclusive privilege of running a line of Stage Carriages from Augusta, via Columbia Court-house, in Columbia county, the town of Washington, in the county of Wilkes, Lexington, in the county of Oglethorpe, and to Athens, in the county of Clark, for the term of ten years.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Robert H. McRea and Richard H. Long, their heirs, assigns, or legal representatives, shall have the sole and exclusive privilege of running a line of stages, for the conveyance of persons and their baggage, and for other purposes, between the said town of Washington, in the county of Wilkes, via the said town of Greensborough, in the county of Greene, to Eatonton, in the county of Putnam, for the term of ten years.

Robert H. McRea and Richard H. Long, their heirs, &c. vested with the exclusive privilege of running a line of stages between Washington and Eatonton, via Greensborough, for the term of ten years.

tween Washington and Eatonton, via Greensborough, for the term

SECT. 2. *And be it further enacted,* That if any person shall presume to run, within the said term of ten years, any stage carriage or carriages, or any other carriage, for the aforesaid purpose, in any way, for hire or fare, without the consent of the said Robert H. McRea and Richard H. Long, or their legal representatives, first had and obtained, such person or persons so offending. shall forfeit and pay to the said Robert H. McRea and Richard H. Long, or their legal representatives, the sum of fifty dollars for every such offence so committed, to be recovered by an action or actions of debt, before any court of competent jurisdiction: *Provided,* that the said Robert H. McRea and Richard H. Long, or their legal representatives, shall, within the term of one year from and after the passing of this act, put into operation the said line of stages, and continue the same, unavoidable accidents excepted, at least once in every week, between the places aforesaid, and to and for the term of ten years: *Provided also,* that the said Robert H. McRea and Richard H. Long shall be at liberty to discontinue their operation, at any time, by first giving two months notice.

Liability of persons violating said privilege.

Proviso.

Proviso.

(No. 549.)

Said McRea and Long may relinquish their right of running a line of stages on any part of the route, prescribed in the act vesting in them the exclusive right of running a line between Augusta and Athens.

SECT. 3. *And be it further enacted*, That the said Robert H. McRea and Richard H. Long may, at any time from and after the passing of this act, discontinue or relinquish their right of running a line of stage carriages on any part of the route, prescribed in an "act to secure to Robert H. McRea and Richard H. Long the exclusive right and privilege of running a line of stage carriages, from Augusta, via Columbia Court-house, in Columbia county, the town of Washington, in the county of Wilkes, Lexington, in the county of Oglethorpe, and to Athens, in the county of Clark, for the term of ten years," first giving two months notice, without affecting the rights and privileges, secured to them by the said act, to such part of said route as may be by them continued in complete operation.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 550.)

AN ACT

To secure to John Butt, his heirs and assigns, for the term of ten years, the sole and exclusive right of running a line of Stage Carriages between the city of Augusta and the town of Milledgeville.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

John Butt, his heirs, &c. vested with the exclusive privilege of running a line of stages between Augusta and Milledgeville, for ten years.

Forfeiture of persons violating said privilege.

That John Butt, his heirs and assigns, shall have the sole and exclusive privilege of running a line of stages, for the conveyance of persons and their baggage, and for other purposes, between the city of Augusta and the town of Milledgeville, in this state, by way of Warrenton, Powelton and Sparta, or such other route as the post-road from one place to the other may be established and laid out, for the term of ten years.

SECT. 2. *And be it further enacted*, That if any person shall presume to run, within the said term of ten years, any stage carriage or carriages, or any other carriage, for the aforesaid purpose, in any way, for hire or fare, without the consent of the said John Butt or his legal representatives first had and obtained, such person or persons so offending shall forfeit and pay to the said John Butt, or his legal representatives, the sum

of fifty dollars for every such offence so committed, to be recovered by an action or (No. 550.)
 actions of debt before any court of competent jurisdiction: *Provided*, that the said John Proviso.
 Butt or his legal representatives shall, within the term of one year from and after the
 passing of this act, put into operation the said line of stages, and continue the same,
 unavoidable accidents excepted, at least once in every week, between the places afore-
 said, and to and for the term of ten years: *Provided also*, that the said John Butt shall Proviso.
 be at liberty to discontinue their operation on any part of said route at any time, by first
 giving two months notice.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 551.)

*To secure to John Courts, his heirs and assigns, for the term of ten years, the sole
 and exclusive right of running a line of Stage Carriages between the towns of
 Darien and Milledgeville.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of
 Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
 That John Courts, his heirs and assigns, or legal representatives, shall have the sole and
 exclusive right of running a line of stage carriages, for the conveyance of passengers and
 their baggage, between the town of Darien and the town of Milledgeville, in this state,
 by the way of Dublin, for the term of ten years, to commence on the first day of Janu-
 ary next, or within three years thereafter.

John Courts,
 his heirs, &c.
 vested with
 the exclusive
 privilege of
 running a line
 of stages be-
 tween Darien
 and Milledge-
 ville, for ten
 years.

SECT. 2. *And be it further enacted,* That if any person or persons shall, within the said
 term of ten years, presume to run any stage carriage or carriages, in any manner, for fare
 or hire, between the towns of Darien, Dublin or Milledgeville, or on any post-road
 whatever between the aforesaid mentioned places, or shall presume to convey, for fare or
 hire, in any stage carriage, any passenger or passengers between the towns aforesaid, so
 as to abridge the right granted by this act to the said John Courts, without the consent

(No. 551.) or concurrence of the said John Courts, under his hand and seal, first obtained, every person or persons so offending, shall forfeit and pay to the said John Courts, his heirs and assigns, or legal representatives, the sum of twenty dollars for every and any passenger so carried by any person or persons, to be recovered by the said John Courts or his legal representatives, by action of debt before any court having cognizance thereof: *Provided nevertheless*, that the said John Courts shall not recover the penalties hereby imposed until he shall have actually commenced running the said line of stages; and after commencing running the said line of stages, if the said John Courts or his assigns shall discontinue the same for three months, at any one time, the privileges hereby granted shall cease.

Forfeiture of persons violating said privilege.

Proviso.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 552.)

AN ACT

To secure to John Colby the right and privilege of running a line of Stages from Madison, in Morgan county, via Greensborough, to Powelton, in Hancock county, for the term of ten years.

John Colby, his heirs, &c. invested with privilege of running a line of stages from Madison to Powelton, via Greensboro', for ten years.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said John Colby, his heirs and assigns, or legal representatives, shall have the privilege of running a line of stages, for the conveyance of persons and their baggage, and for other purposes, between the said town of Madison, in Morgan county, via Greensborough, to Powelton, in Hancock county, for the term of ten years.

Penalty for violations of said privilege.

SECT. 2. *And be it further enacted,* That if any person shall presume to run, within the said term of ten years, any stage carriage or carriages, for the aforesaid purpose, without the consent of the said John Colby, shall forfeit and pay to the said John Colby, his heirs or assigns, double the amount charged for the conveyance of any person or persons so conveyed, to be recovered in any court having jurisdiction thereof.

SECT. 3. *And be it further enacted*, That the said John Colby shall commence running (No. 552.) the said line of stages on or before the first of August next, and shall not discontinue the same until two months public notice is given, in some public paper within this state. The running of said line, when to commence.

SECT. 4. *And be it further enacted*, That the said John Colby shall run, or cause to be run, between the places aforesaid, at least twice every week: *Provided nevertheless*, Proviso. that if the said John Colby should not put in operation the said line of stage carriages, as before stated, the justices of the Inferior Court of Greene county shall have the power to authorize some other person to run the said line of stages; and this act shall be applied to him in as full a manner as it is to John Colby.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

T A X.

1812.

(No. 553.)

AN ACT

*To raise a Tax for the support of Government, for the political year 1813.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority thereof it is hereby enacted,* That the act to raise a tax for the support of government, for the year 1805, passed the 12th day of December, 1804, and all other acts amendatory thereto, with the alterations and amendments herein after expressed, be, and the same is hereby declared to be in force, as the act by which the tax for the support of government, for the political year 1813, shall be assessed, levied and collected.

The tax act passed in 1804, and the acts amendatory thereof, declared in force, with certain alterations, &c. for the year 1813.

Tax returns receivable until the 1st of May, 1813.

Defaulters to be taxed four-fold.

Not to be exonerated by any subsequent return.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the receivers of returns of taxable property shall, in the manner and at the times pointed out by the aforesaid act, receive the returns of taxable property of all persons liable to pay a tax, until the first day of May, 1813; and shall, immediately thereafter, proceed to assess a *four-fold tax on the property of all such persons as shall then have neglected or refused to have made return of their taxable property; and in assessing such tax, the receiver shall be governed, as to the property owned by the defaulter, by such information as he may be able to obtain from the neighbours of such defaulter, or by the return on the digest in the clerk's office, made by such defaulter for the preceding year; and no person, after he or she shall have been taxed four-fold as aforesaid, shall be allowed to

* This act revived, with alterations and amendments, by act of 1813, No. 555; then revived and continued, with the amendments contained in the act of 1813, by act of 1814, No. 557; then continued for the year 1816 by act of 1815, No. 559; and again continued, for the year 1817, by act of 1816, No. 561: which see.

† Now receivable until the 1st of August in each year. See act of 1813, No. 555.

‡ See the third and fifth sections of the act of 1813, No. 555.

exonerate him or herself from the payment of said tax, by making a return of his or her property to the clerk of either of the courts, or any other person; and it shall be the duty of the receiver of returns of taxable property, previous to finishing his digest, to annex thereto the names of the defaulters, and the amount of tax, assessed in the manner herein before pointed out, due by each; and the receiver shall be entitled to five per cent. on the amount of tax assessed on defaulters, as well as on the amount of the tax of those persons making regular returns; and the tax thus assessed on persons neglecting or refusing to make return of their taxable property, shall be by the collectors collected and paid into the treasury, without any abatement, except such as shall be recommended through a grand jury, on account of the insolvency of any person who may be so taxed: *Provided*,* that on application to the justices of the Inferior Court of each county, a majority of them shall have power to remit such four-fold tax so assessed as aforesaid, if it should appear to them that the person or persons so assessed have not had an opportunity to make their return agreeable to the directions of this act.

(No. 553.)

Receiver to annex to his digest the names of said defaulters, and the amount of the tax due by each.

Entitled to five per cent. thereon.

Said tax, how collected.

Proviso.

SECT. 3. *And be it further enacted*, That no receiver of returns of taxable property shall receive from any collector any part of his commissions, until he shall have produced to the collector the comptroller general's receipt for the digest of taxable property required to be deposited in his office, in which receipt shall be specified the amount of commissions due such receiver; and no collector shall be allowed a credit at the comptroller general's office for the commissions of any receiver, until he shall have produced to the comptroller the receipt given by him to the receiver for the digest as aforesaid, with the receipt thereon of the receiver, for the amount of his commissions as herein specified.

Receivers' commissions, when payable.

Collector, when to be credited for the same at the comptroller's office.

SECT. 4. *And be it further enacted*, That the collectors of the tax imposed by this act shall pay into the treasury the amount with which they stand charged in the comptroller general's office, after deducting theirs and the receivers' commissions, and the amount of their insolvent lists, and shall close their accounts on or before the first day of December, one thousand eight hundred and fourteen; and if any collector shall fail to close his account by the time above specified, it shall then be the duty of the treasurer and comptroller general, immediately to issue execution against him and his securities, for the balance which shall appear, by the comptroller general's books, to be due on the said first day of December, one thousand eight hundred and fourteen; which balance shall bear an interest of eight per cent. per annum; and the execution thus issued shall direct said interest to be collected accordingly: *Provided*, that in counties where receivers and

Collectors' payment in the treasury regulated.

Their accounts when to be closed.

If not closed by the time specified, executions to issue against them and their securities, for the balance due, which shall bear eight per cent. interest.

Proviso.

* See the 7th section of the act of 1813, No. 555, as to the construction of this provision. See the 8th section also.

(No. 553.) collectors are not regularly appointed, the treasurer and comptroller shall, previous to charging such collectors with interest, ascertain from the dates of their appointments, whether they have had the same length of time to collect the taxes as is allowed collectors regularly appointed.

Receivers' digests to be delivered to collectors by the 1st of August, 1813.
Penalty for non-performance.
Duty of collectors.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the receivers of returns of taxable property shall, on or before the first day of August, one thousand eight hundred and thirteen, deliver to the collectors a digest of the taxable property of the counties for which they are respectively appointed, under the penalty of incurring the fine for non-performance of that duty imposed by the act herein first recited; and the collectors may, immediately on the receipt of such digest, *provided* they have been duly commissioned and have given bond, and qualified agreeably to law, proceed to collect the tax therein assessed, giving, however, the notices required by the said first recited act, and the time of advertising collectors' sales; and the days on which they shall take place shall be the same as are prescribed by law for sheriffs' sales: *Provided*, that such collector, in all cases where they, or either of them, shall levy or distrain on any personal property for the collection of a poll tax only, that it shall be his duty to advertise the property so levied upon as aforesaid, in three of the most public places in the captain's district, at least fifteen days previous to such intended sale, wherein such defaulter resides, or may have resided at the time of giving in his return to the tax receiver; and his property shall be sold under the same restrictions as are heretofore pointed out by the tax law now in force.

No collector to collect any tax after the expiration of two years.

Proviso.

SECT. 6. *And be it further enacted,* That no tax collector shall proceed to collect any tax due from any individual, which he was authorized to collect agreeable to law, by virtue of his appointment, after the expiration of two years: *Provided*, sufficient property can be found in the county to satisfy such tax due by any individual or individuals.

Insolvent lists, proceedings with regard to.

SECT. 7. *And be it further enacted,* That when the collector shall have his insolvent list credited, it shall be the duty of the grand jury to retain a copy of such list, and direct the collector to issue executions for the same, and place them in the hands of some constable of the county for collection; who shall be entitled to the same fees as he is entitled to for other executions, and two and one half per centum; and the balance shall be paid by the said constable to the clerk of the Inferior Court, whose duty it shall be to transmit the same to the treasurer.

SECT. 8. *And be it further enacted*, That no tax collector shall be allowed his insolvent list after execution shall have issued against him, unless he will come before the comptroller general, and have the same fairly adjusted.*

(No. 553.)
Upon what terms allowed, after execution has issued against any collector.

SECT. 9. *And be it further enacted*, That in all cases where free persons of colour, subject to taxation, fail or refuse to pay their tax, it shall be the duty of the tax collector to hire to the highest bidder such free person for such term as shall be sufficient to pay his or her tax.

Tax of free persons of colour, how collected.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 554.)

To compel citizens of the different counties in this state, as well as citizens of other states, who do now, or hereafter may own Slaves residing in the county of Scriven, to make a return of, and pay Taxes on, all such Slaves as aforesaid, to the receivers of returns and collectors of Taxes for the aforesaid county of Scriven, either by themselves, their attorneys, agents, trustees or guardians.

WHEREAS, a number of citizens of this state residing in different counties thereof, as well as citizens of other states who do now, or hereafter may own slaves residing in the county of Scriven, and there being no law to compel the aforesaid slave-owners to make a return of, and pay taxes in the aforesaid county of Scriven, where such slaves do now, or hereafter may reside; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That from and after the first day of January next, it shall be the duty of all such citizens of this state residing in the different counties

Persons not living in Scriven county, but having slaves therein, shall make a

* See act of 1815, No. 558, for further particulars relative to insolvent lists.

(No. 554.) thereof, as well as citizens of other states now owning, or hereafter may own slaves return thereof, and pay the tax on the same to the proper officers of said county. resident in the county of Scriven, to make a return of all slaves owned by them, now residing, or hereafter may reside in the aforesaid county of Scriven, to the receivers of tax returns, and pay the taxes thereon to the collector of taxes for the county aforesaid, either by themselves, their attorneys, agents, trustees or guardians.

Duty of the receiver and collector, in case said persons do not comply with this act.

Preamble to section 3d.

SECT. 2. *And be it further enacted*, That if any person or persons as aforesaid, should fail to comply with the requisitions of this act, then and in that case, it shall be the duty of the receiver of tax returns for the county of Scriven to return the same as defaulters to the collector of taxes for the aforesaid county of Scriven, whose duty it shall be to proceed against them as the tax law now in force directs. And whereas, the tax law now in force requires all persons to take an oath or affirmation in the words following, to wit: I do swear, or affirm, as the case may be, that the account which I now give in is a just and true account of all the taxable property which I was possessed of, held or claimed on the first day of January last, or was interested in, or entitled unto, either in my own right, or the right of any other person or persons whatever, as parent, guardian, executor, administrator, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information and belief, and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and all this I declare without any equivocation or mental reservation whatever, so help me God.

Persons living out of said county allowed to except such of their slaves as reside therein, when making their general tax return.

SECT. 3. *And be it further enacted*, That any person or persons living out of the county of Scriven, and holding slaves in said county, shall be at liberty, when giving in the list of their general tax return, to except the slaves residing in the county of Scriven.

Oath of said persons.

SECT. 4. *And be it further enacted*, That any and every person or persons, not citizens of Scriven county, so excepting slaves resident in the county of Scriven, shall take and subscribe the following oath or affirmation, to wit, either by themselves, their attorneys, agents or trustees: I, A. B. do solemnly swear, or affirm, as the case may be, that the slaves now given in by me, is a just and true account of all slaves owned by me in the county of Scriven, or that I was interested in, in any manner, on the first day of January last, either in my own right or the right of any other person or persons whatsoever, as parent, guardian, executor, administrator, agent or trustee, or in any other manner whatsoever; so help me God: any law, usage or custom to the contrary notwithstanding.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 555.)

To raise a Tax for the support of government for the political year one thousand eight hundred and fourteen, and to revive, alter and amend an act, entitled An act to raise a tax for the support of government for the political year one thousand eight hundred and thirteen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the passage of this act, the receivers of returns of taxable property shall continue to receive the returns aforesaid of all persons liable to pay a tax until the first day in August in each year.

Tax returns receivable until the first day of August in each year.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the receivers of returns of taxable property shall, on or before the first Monday in November, in each year, deliver the several digests, and perform all other duties required of them, according to the requisitions of the before recited act: *Provided,* said requisitions be not repugnant to this act.

Receivers to deliver their digests on or before the 1st of November in each year, &c.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all persons who may have incurred the penalty of a fourfold tax under the before recited act, shall be exonerated from the payment of the same, on payment of one-third part of the same, and it shall be the duty of the several tax collectors in the several counties to receive one-third part of the tax which may be on their books charged against defaulters, and on receiving the same, to give receipts in full, and in their settlements with the comptroller general, be entitled to a credit for the whole of the said fourfold tax on paying one-third thereof; and in case any such defaulter shall neglect to pay the one-third as aforesaid, the collector shall not be at liberty to issue his execution against such defaulter for more than the one-third of the said fourfold tax.

Persons who have incurred a fourfold tax, may be exonerated on the payment of one-third thereof.

Execution to issue for one-third only of said fourfold tax.

SECT. 4. *And be it further enacted,* That from and after the passage of this act, the receivers of tax returns shall give at least twenty days notice, at the muster-ground in each captain's district, of the time of expiration for receiving of said lists, together with the names of persons who have not then given in their lists; and immediately after said time has expired they shall make out a fair list of the persons in default, and advertise the

Duty of receivers, with regard to notice and advertising.

* The act of 1812, No. 553, together with the amendments contained in this act, continued in force for 1815, by act of 1814, No. 557.

(No. 555.) same at each captain's muster-ground, which shall supersede the necessity of advertising defaulters in the public gazettes.

That part of the recited act requiring the assessment of a fourfold tax repealed. In cases of default, a double tax to be assessed.

Tax on bank stock.

SECT. 5. *And be it further enacted*, That the provisions in the before recited act, so far as respects the receivers assessing a fourfold tax in cases of default, be, and the same are hereby repealed; and that the receivers of tax returns do proceed to assess a double tax in cases of default, as prescribed by the tax law passed the tenth day of December, 1812, raising a tax for the political year 1813.

SECT. 6. *And be it further enacted*, That all bank stock shall pay, for each and every hundred dollars, thirty-one and a quarter cents, in this state.

That part of the recited act which empowers the Inferior Court to remit the fourfold tax on defaulters explained.

And be it further enacted, That nothing in the before recited act, authorizing the Inferior Courts to remit fourfold tax on defaulters, shall be so construed as to authorize them to remit more than three-fourths of the tax charged on the receiver's books, or any greater part of said tax than shall reduce the same to a less sum than his, her or their ordinary annual tax.

Where the whole fourfold tax has been remitted, said defaulters to make a return for 1813 as well as 1814. Duty of receivers and collectors in said cases.

SECT. 7. *And be it further enacted*, That in all cases where the Inferior Court have heretofore remitted the whole of the fourfold tax of any defaulters, the said defaulters shall be, and they are hereby required to give in their return for the year 1813, as well as for the year 1814, to the receiver for the year 1814; and the receiver shall make return of the same to the collector for the year 1814, and shall be collected by him in the same manner as pointed out by this act for the collection of taxes; and in case any such defaulter shall neglect to make his return for the year 1813, to the receiver for the year 1814, they shall be subject to pay a double tax for the said year 1813, as pointed out in this act in other cases of default.

Duty of receivers and collectors with regard to returns not made and taxes not collected, since the year 1800 inclusive. Proviso.

SECT. 8. *And be it further enacted*, That the receivers of returns of taxable property, and collectors of taxes, who may hereafter be appointed and qualified agreeably to law, be, and they are hereby authorized and required to receive the returns of taxable property, and to collect the taxes thereon for all former years since 1800 inclusive, where any county is in default for not having made their returns as required by law: *Provided*, that the taxes shall be assessed in conformity to the tax laws in force at the time such default happened.

Tax for the year 1814, how assessed, levied and collected. Proviso.

SECT. 9. *And be it further enacted*, That the tax for the support of government for the political year 1814, shall be assessed, levied and collected in the manner pointed out by the act to raise a tax for the political year 1813, passed the 10th December, 1812, and the other acts on this subject therein referred to: *Provided*, the same do not con-

travene the amendments and alterations in this act contained ; and the receivers of tax (No. 555.) returns and collectors of tax for the year 1814, shall be governed by the provisions of the aforesaid acts, so far as they are compatible with this act.

SECT. 10. *And be it further enacted*, That the before recited act (except such parts as militate against this act) be, and the same is hereby revived, and declared to be in force until repealed by law. Reviving clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 556.)

To authorize his excellency the Governor to settle with the United States the amount of Direct Tax due by the state of Georgia, and to point out the method of reimbursing the state the said sum in part.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That his excellency the Governor be, and he is hereby fully authorized and directed to pay into the treasury of the United States, the amount of the direct tax due by Georgia, deducting from the amount of the same the fifteen per centum which is allowed by the United States for prompt payment.

Governor authorized to pay the direct tax, with a deduction of 15 per cent. for prompt payment.

SECT. 2. *And be it further enacted*, That for the purpose of his excellency the Governor, meeting the aforesaid amount of direct tax, he is hereby authorized to draw out of the treasury of the United States, whatever monies may be due to Georgia.

May draw on the U. States for the amount thereof.

SECT. 3. *And be it further enacted*, That for the purpose of carrying this act into effect, his excellency is hereby fully authorized to appoint an agent or agents, and to

(No. 556.) execute receipts, and to do all other things that may be necessary for the purpose of carrying this act fully into effect.

An additional tax of 50 per cent. on the general tax required for the year 1813, imposed.

How and when collected.

Collectors' commissions. Proviso.

SECT. 4. *And be it further enacted*, That for the purpose of reimbursing the state (in part) the sum directed to be paid by this act, that each citizen of this state, and all other persons holding taxable property, real and personal in said state, is and are hereby made liable, and required to pay a tax of fifty per centum on the amount of the state tax required of him, her or them, for the support of the government of this state; for the political year 1813, which shall be collected on or before the first day of January, 1815, under the same laws and regulations as are pointed out for the collection of the state tax, for the year aforesaid; and it shall be the duty of the tax collectors in this state, to collect the tax herein levied and assessed, agreeably to the requisitions of the before recited act; for which services they shall be entitled to receive two and a half per centum: *Provided*, said collectors shall first give bond and security, agreeably to the requisitions of the before recited act, for the faithful performance of the duties herein required of them.

What to be done in case any collector shall refuse to collect said tax upon the terms aforesaid.

SECT. 5. *And be it further enacted*, That in case any of the collectors aforesaid, shall refuse to collect the tax aforesaid, upon the terms herein before directed, that then and in that case, the justices of the Inferior Courts, in counties where such refusal shall be made, shall proceed to appoint one fit and proper person in each county, to receive and collect said tax, agreeably to the requisitions and laws herein before pointed out; and said collectors shall be commissioned by the Governor, and give bond and security in conformity to the before recited act, for the faithful performance of their duty as collectors aforesaid; and for the purpose of ascertaining the amount of tax required by this act, it shall be the duty of the clerks of the Inferior Courts to deliver to collectors appointed in conformity to this section, the digests deposited in their offices.

Collectors required to collect said 50 per cent. from persons who have paid or may pay their general tax for 1813, without paying said additional tax.

SECT. 6. *And be it further enacted*, That where any person has heretofore paid, or may hereafter pay his or her general tax for the year 1813, and who has not paid the additional sum of fifty per cent. as contemplated by this act, the collector of the county where such person resides shall, and he is hereby authorized to collect the fifty per cent. as he would have been authorized to do by this act, provided the said general tax had not been paid.

Further duty of collectors.

SECT. 7. *And be it further enacted*, That the collectors aforesaid shall signify their acceptance or refusal to do the duties hereby required, to the justices of the Inferior

Courts aforesaid, on or before the first day of March next, and shall give bond and security in terms of this act. (No. 556.)

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 557.)

To levy a Tax for the support of Government, for the political year 1815, and to reimburse the state in part the sum for which his excellency the Governor is authorized by a concurred resolution to settle with the General Government the direct tax for the political year 1814.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act to impose a tax for the support of government for the year 1813, with the amendments made for the year 1814, be, and they are hereby revived and continued in force for the political year 1815.

The tax act of 1813, with the amendments for 1814, continued in force for 1815.

SECT. 2. *And be it further enacted,* That for the purpose of reimbursing the state (in part) the sum directed to be paid by his excellency, in conformity with the said resolution, that each citizen of this state, and all other persons holding taxable property, real or personal, in said state, is and are hereby liable and required to pay a tax of fifty per centum on the amount of the state tax required of him, her or them, for the support of the government of this state, for the political year 1814; which shall be collected and settled by the tax collectors with the comptroller general, on or before the first day of December, 1815, under the same rules, regulations and restrictions, as are pointed out for the collection of the state tax now in force in this state; and it shall be the duty of the respective tax collectors in this state, to collect the tax herein assessed, agreeably to the requisitions of an act, entitled An act to authorize his excellency the Governor to settle with the United States the amount of the direct tax due by the state of Georgia, and to point out the method of reimbursing the state the said sum in part, passed on

Additional tax of 50 per cent. on the general tax imposed.

How collected, &c.

(No. 557.) the 6th day of December, 1813: *Provided nevertheless*, that in case any of the tax collectors aforesaid, shall refuse or neglect to collect the tax aforesaid, upon the terms pointed out in the before recited act, then and in that case the justices of the Inferior Courts, in counties where such refusal shall be made, shall proceed to appoint one fit and proper person to receive and collect said tax, agreeable to the requisitions of the tax laws now in force in this state; and the said collectors so appointed as aforesaid, shall be commissioned by the Governor as heretofore practised for other tax collectors in this state: *And provided also*, that such collectors so to be appointed as aforesaid, if any such should be appointed as aforesaid, shall give bond and security, in conformity with the tax laws now in force in this state, for the faithful performance of his or their duty as collectors, which may be appointed in conformity with this act; and for the purpose of ascertaining the amount of tax required by this act, it shall be the duty of the clerks of the Inferior Courts to deliver to such collectors appointed in conformity with this act, the digest of the receiver of tax returns, deposited in their offices.

The acceptance or refusal of the collectors to perform the duties required by this act, when and how made known.
 Proviso. SECT. 3. *And be it further enacted*, That the collectors aforesaid shall signify his or their acceptance or refusal in writing, to perform the duties by this act required, to three or more of the justices of the Inferior Courts aforesaid, on or before the first Monday in January next, and shall give bond and additional security in terms of the tax laws now in force in this state: *And provided also*, that in case of such refusal being made by the tax collector, the Inferior Court shall not appoint the said tax collector to collect said tax.

Securities of collectors ineligible to the office of sheriff, until their principal shall have paid over all monies to
 SECT. 4. *And be it further enacted*, That no securities for tax collectors shall be entitled to hold the office of sheriff in any county in this state, until all monies collected by the said tax collector or collectors shall have been paid by him or them to the proper authorities.

Sheriffs, how compensated for collecting monies from delinquent collectors.
 SECT. 5. *And be it further enacted*, That in all cases where the treasurer and comptroller general shall issue executions against delinquent tax collectors, it shall be lawful for any sheriff into whose hands such execution or executions may be placed, to collect from such delinquent tax collector two and a half per cent. on and in addition to the amount of such execution or executions, which shall be full compensation for the trouble and expense of such sheriff or sheriffs in collecting and paying over at the treasury the amount of such execution or executions as may be placed in their hands as aforesaid: *Provided*, that every sheriff who shall receive said per cent. shall be liable to refund the same to the collector from whom it may be received, if he does not return the execution and pay over the money collected thereon for the state, at the treasury, on or before the day he may be required so to do by said execution.

SECT. 6. *And be it further enacted,* That no collector shall hereafter be allowed an insolvent list, if he does not obtain the same at some term of the Superior Court, prior to the day on which he may be required to close his account at the comptroller general's office: *Provided,* he shall not have been prevented from obtaining his insolvent list by reason of a failure of the courts.*

(No. 557.)
Collector's insolvent list, when to be allowed.
Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 22d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 558.)

For the relief of certain Tax Collectors in this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That if any tax collector in this state shall have closed, or may hereafter close his account at the comptroller general's office, by paying into the treasury the amount due by him, without having been allowed an insolvent list, and shall thereafter obtain an insolvent list, duly certified by the grand jury of the county for which he is collector, and produce the same to the comptroller general, it shall be the duty of the said comptroller general to give such collector a certificate, setting forth that he had filed in his office an insolvent list duly certified, and that his account as collector had been previously settled and closed, without his having been allowed the amount of said insolvent list; which certificate being presented to the executive, the said collector shall be entitled to a warrant on the treasurer from the Governor, payable out of the contingent fund, for the amount of his insolvent list, as expressed in the aforesaid certificate of the comptroller general.

Tax collectors who have not been allowed an insolvent list, upon a settlement at the comptroller's office, how relieved.

SECT. 2. *And be it further enacted,* That if from any cause whatever it shall have happened, or may hereafter happen, that a tax collector shall pay into the treasury a

How relieved, in case of over payments by them into the treasury.

* See act of 1815, No. 558, relative to insolvent lists.

(No. 558.) greater amount than that with which he is charged in the comptroller general's office, and ought to have paid, after having been allowed all his proper credits, it shall be the duty of the comptroller general to certify the same to the executive; and thereupon such collector shall be entitled to a warrant on the treasurer from the Governor, payable out of the contingent fund, for the amount so certified to have been overpaid by him.

When a county tax is levied, duty of the grand jury relative to the insolvent list.

SECT. 3. *And be it further enacted*, That in any county where there shall be a county tax levied, it shall be the duty of the grand jury, in examining the insolvent list, to deliver to the collector a list of the amount allowed him on account of the general tax, and also a separate list, containing the amount allowed him on account of the county tax.

Collectors relieved, who have not been allowed an insolvent list, for want of a session of a Superior Court. Proviso.

SECT. 4. *And be it further enacted*, That in future the treasurer is hereby authorized and required to wait with the tax collectors, who now are or may hereafter be in this state, for the amount of their insolvent lists claimed by them, where they shall be prevented from having the same allowed by the grand jury of the county, for want of a session of the Superior Court: *Provided*, that the said tax collector or collectors shall pay into the treasury the full amount of money due from them or him to the state, with the above exception.

Said insolvent list, when to be returned to the comptroller's office, &c.

SECT. 5. *And be it further enacted*, That the tax collectors aforesaid shall, within thirty days after the next session of the Superior Courts of their respective counties, after the time prescribed by law for their settlement with the treasurer, return to the comptroller general's office their insolvent lists, approved according to law by the grand jury of their respective counties, or in default thereof, or payment of the amount, execution shall issue for the same, as in other cases of executions against defaulting tax collectors.

Duty of the collector, in case the grand jury shall allow him a smaller sum on the insolvent list than he claimed on

SECT. 6. *And be it further enacted*, That if the insolvent list or lists should be approved by the grand jury for a smaller sum than was claimed by the tax collector, on his settlement with the treasurer, he shall return it as herein directed, and pay the difference at the same time into the treasury, or execution shall issue as herein pointed out. his settlement with the treasurer.

Repealing clause.

SECT. 7. *And be it further enacted*, That all acts and parts of acts militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 22d November, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 559.)

To levy a Tax for the support of Government for the political year 1816.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act passed the 10th December, 1812, to raise a tax for the political year 1813, together with the acts which it revives, be, and they are hereby continued in force for the political year 1816.

The tax act for 1813, with the acts which it revives, continued in force for 1816.

SECT. 2. **And be it further enacted,* That each and every person of this state, and all persons holding taxable property, real or personal, are hereby made liable, and are required to pay an additional tax of fifty per centum on the amount of the state tax required of him, her or them, for the support of the government of this state for the political year eighteen hundred and fifteen, which shall be collected on or before the first day of December, eighteen hundred and sixteen, under the same rules, regulations and restrictions as are pointed out by the tax laws of this state above recited; and it shall be the duty of the tax collectors of this state to collect the tax herein levied and assessed, agreeably to the requisitions of the before recited act; for which services they shall be entitled to receive two and a half per centum: *Provided,* said collectors shall first give bond and security, agreeably to the requisitions of the above recited acts, for the faithful performance of the duties herein required of them.

An additional tax of 50 per cent. on the state tax imposed.

How collected.

Duty of collectors.

Their compensation. Proviso.

SECT. 3. *And be it further enacted,* That in case any of the collectors aforesaid shall refuse to collect the tax aforesaid, upon the terms herein before directed, that then and in that case, the justices of the Inferior Courts in the counties where such refusal shall be made, shall proceed to appoint one fit and proper person in each county to receive and collect said tax, agreeably to the requisitions and laws herein before pointed out; and the said collector shall be commissioned by the Governor, and give bond and security, in conformity to the before recited act, for the faithful performance of their duty as collectors aforesaid; and for the purpose of ascertaining the amount of tax required by this act, it shall be the duty of the clerks of the Inferior Courts to deliver to collectors, appointed in conformity to this section, the digest deposited in their offices.

Justices of the Inferior Courts shall appoint some person to collect said 50 per cent. in case the collector should refuse.

Person so appointed to be commissioned by the Governor, and to give bond and security.

SECT. 4. *And be it further enacted,* That where any person has heretofore paid, or may hereafter pay, his or her general tax for the year eighteen hundred and fifteen, and

In what way the collector shall proceed, where any

* The 2d, 3d, 4th and 5th sections of this act continued in force for 1817, by act of 1816, No. 561.

(No. 559.) who has not paid the additional sum of fifty per cent. as contemplated by this act, the collector of the county where such person resides shall, and he is hereby authorized to collect the fifty per cent. as he would have been authorized to do by this act, *provided*, the said general tax had not been paid.

The acceptance or refusal of the collector to discharge the additional duties required by this act,

SECT. 5. *And be it further enacted*, That the collectors aforesaid shall signify their acceptance or refusal to do the duties hereby required, to the justices of the Inferior Courts aforesaid, on or before the first day of March next, and shall give bond and security in terms of this act. when to be made known.

Unauthorized persons, &c. issuing change bills for one dollar, or under, shall keep an account of the amount issued, and annually make a return thereof to the receiver.

To pay 20 per cent. thereon.

Forfeiture for not keeping said account or making said return.

How recovered.

SECT. 6. *And be it further enacted*, That all and every person or persons, or companies, not authorized by this state, who shall, after the passing of this act, issue notes for one dollar, or for a smaller amount, purporting to be change bills, shall keep a fair and correct account of the amount of notes so issued, and annually make due return thereof upon oath, at the time required by this act for the return of taxable property, to the receiver of tax returns of their respective counties, of the amount so issued by them, at the time of making such return; and shall pay the sum of twenty per cent. on the said amount to the tax collector of the proper county, for the use of the state; and on failure to keep such account, or make return as aforesaid, the said person or persons, or companies, or the president or cashier thereof, shall forfeit and pay the sum of five hundred dollars to the tax collector of the proper county, to be recovered (if not paid at the same time that other taxes are) by execution and sale of the individual property of any or all of the parties before mentioned, as prescribed in cases of other executions of tax collectors.*

Where such change bills have been heretofore issued, returns how made.

Eight per cent. on the amount thereof, to be paid to the collector.

Forfeiture for not making a return.

How recovered.

SECT. 7. *And be it further enacted*, That where such bills have heretofore issued, it shall be the duty of the said person or persons, or companies, or the president or cashier thereof, if any, to make due return upon oath of the amount, at the time of said return, of such notes in circulation, to the best of their knowledge, to the receiver of tax returns of the county where they, or a majority of them, may reside; and shall pay to the tax collector of the proper county eight per cent. on the amount as aforesaid; and on failure to make such return in the usual time, they shall forfeit and pay the sum of five hundred dollars, to be paid to the tax collector of the proper county, for the use of this state; and on failure, to be recovered as is prescribed in cases of executions issued by tax collectors of this state, which may be issued against and levied on the individual property of any or all the parties aforesaid.

* See title "Banks, Unchartered, &c." act of 1818, No. 59, amendatory of this act.

SECT. 8. *And be it further enacted,* That in all cases where there may be a county or poor tax levied by any law, or the justices of the Inferior Court of any county, and collected by the tax collector of any county, and not paid over to the proper authority in each county, that the justices of the Inferior Court, or a majority of them in each county be, and they are hereby authorized, to issue execution against any tax collector and his securities so neglecting or refusing to pay over the county and poor tax.

(No. 559.)
Collectors, how proceeded against for not paying over any county or poor tax collected by them.

SECT. 9. *And be it further enacted,* That in all cases where free persons of colour shall fail or refuse to pay the taxes charged against them, or shall have no property on which to levy, the collector may levy on and hire out said free person of colour, for such period as will produce the amount due the state.

Free negroes, how proceeded against when they fail, &c. to pay their taxes.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 560.)

For relieving the citizens of this state from paying Taxes for Property plundered and taken away by the British, since the first day of January last.

WHEREAS, many good citizens of this state owned and possessed certain taxable property on the first day of January last, which property, agreeable to the tax laws of this state, was obliged to be returned, and the regular tax assessed thereon by the receivers of tax returns; and the tax collectors are bound to demand and collect the same: For remedy whereof;

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That where any person or persons in this state have been plundered or deprived of his, her or their taxable property, or any part thereof, by the British, in the last war, since the first day of January last, it shall be lawful for him, her or them, so losing his, her or their taxable property, to go before some justice of the peace, or other proper person,

Persons, who have been plundered, &c. of taxable property by the British, since the 1st of January

(No. 560.) and make oath or affirmation in writing ; which oath or affirmation shall contain a statement of the true quantity of taxable property so taken away as aforesaid.

last, may make
oath of the
amount there-
of.

The amount
of tax due on
said property
to be deduct-
ed.

Proviso.

SECT. 2. *And be it further enacted,* That the tax collectors of the several counties are hereby authorized to deduct from the amount of taxes, due by any person or persons, such portion or portions of taxes, which shall appear to be due for property plundered and taken away since the first day of January last: *Provided,* the person or persons so applying to be relieved, shall first furnish the tax collector with a statement, in writing, of the quantity of taxable property so lost by him, her or them ; which statement must be sworn or affirmed to as above prescribed.

Collector to
be credited
by the amount
so deducted.

Proviso.

SECT. 3. *And be it further enacted,* That the amount of taxes, so appearing to be deducted, shall be allowed and deducted from the whole amount of taxes which, by the digest of taxes may appear to be due from any county, and be allowed or credited by the treasurer of this state : *Provided nevertheless,* that no defaulter shall receive any benefit contained in this act, until he shall have made out a return of his then taxable property on oath, and return the same to the tax collector of the county in which he, she or they shall reside.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 561.)

To levy a Tax for the support of Government, for the political year 1817.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the act passed the 10th December, 1812, to raise a tax for the political year 1813, together with the acts which it revives, be, and they are hereby continued in force for and during the political year 1817.

The tax act for 1813, passed in 1812, with the acts which it revives, continued in force for 1817.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the 2d, 3d, 4th and 5th sections of an act to levy a tax for the support of government for the political year 1816, be, and the same is hereby revived and continued in force, for and during the political year 1817.

The 2d, 3d, 4th and 5th sections of an act to levy a tax for 1816, continued in force for 1817.

SECT. 3. *And be it further enacted,* That it shall be lawful for any agent to return any property to the receiver of tax returns, and pay the taxes due thereon to the tax collector of the county in which such agent resides.

Agents may return taxable property, and pay the tax thereon, &c.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

* This act, with those which it revives, (except so much of the act of 1815 as requires an additional tax, &c.) continued for the year 1818, by act of 1817, No. 563.

(No. 562.)

AN ACT

To compel the next Tax Collector of Chatham county to collect the fifty per centum on the State Tax, commonly called the Direct Tax, for the years 1815 and 1816, and to compel the next Tax Collector of Burke county to collect the Direct Tax due from said county for the year 1816, and to authorize the Governor to appoint some fit and proper person to collect the fifty per cent. Tax, not heretofore collected, in the county of McIntosh.

The next collector of Chatham county required to collect the direct tax which may be due from said county for 1815 and 1816. Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the next tax collector of Chatham county, to collect the direct tax which may be due from the said county for the years 1815 and 1816: *Provided*, the same is not collected previous to his coming into office; for which he shall be entitled to receive two and an half per cent; and on failure to collect the said taxes, he shall not be entitled to receive or retain any fees for collecting the state tax:

Next collector of Burke county required to collect the direct tax due from said county. Proviso.

SECT. 2. *And be it further enacted,* That it shall be the duty of the next tax collector of Burke county, to collect the direct tax due from said county, under the regulations as prescribed in the preceding section of this act: *Provided*, the same is not collected previous to his coming into office.

The Governor authorized to appoint some person to collect the 50 per cent. tax in McIntosh county, &c.

SECT. 3. *And be it further enacted,* That it shall be the duty of his excellency the Governor, to appoint some fit and proper person to collect the fifty per cent. tax in McIntosh county, for such years as have not been collected; which person so appointed shall be commissioned by the Governor, and give bond and security as other tax collectors of said county; and which person so appointed shall be allowed two and a half per centum for collecting and paying said tax into the treasury of this state.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 563.)

*To raise a Tax for the support of Government for the political year 1818.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same;* That the act passed the tenth day of December, eighteen hundred and sixteen, entitled "An act to raise a tax for the support of government for the political year eighteen hundred and seventeen," together with all acts and parts of acts which the said act revises, except so much of an act passed the 16th of December, eighteen hundred and fifteen, as requires an additional tax of fifty per centum on the amount of the state tax, be, and the same is hereby continued in force for and during the political year eighteen hundred and eighteen: *Provided always,* that nothing herein contained shall be so construed as to prevent the collection of the fifty per cent. on the state tax, commonly called the direct tax, which may be now due and owing from any county or individual in this state, but the collectors shall proceed to collect the same in the manner heretofore prescribed.

The tax act passed in 1816, &c. continued in force for 1818.

Proviso.

SECT. 2. *And be it further enacted,* That there shall be annually paid to the state, a tax of thirty-one and a quarter cents on every hundred dollars value of bank stock operated upon or employed within this state, which tax shall be assessed and collected in the manner following, viz: It shall be the duty of the president and directors of every bank incorporated by the legislature of this state, to cause the cashier thereof to transmit to the treasurer of the state annually, a return, sworn to by him before some justice of the Inferior Court, or of the peace, in which shall be stated the amount of the capital stock actually paid in on the first day of January preceding the time of making such return; and on or before the first day of December in each year, cause to be paid into the treasury, free of any cost or deduction whatever, the said sum of thirty-one and a quarter cents on every hundred dollars of capital stock returned in manner aforesaid; and it shall be the duty of the president and directors, managers or proprietors of every other bank, office of discount and deposit, or office of discount only, now in operation, or which may be established or go into operation, within this state, to cause the cashier thereof to transmit annually to the treasurer of this state, a return sworn to by him in the manner above pointed out, in which shall be stated the amount of capital stock actually employed or operated upon by such bank, office of discount and deposit, or office of

A tax on bank stock in this state imposed.

Said tax, how collected from banks incorporated by the legislature of this state.

How collected from other banks in this state.

* This act (with exceptions) continued for the year 1819, by act of 1818, No. 564; also continued (with the same exceptions) for the year 1820, by act of 1819, No. 565.

(No. 563.) discount only, on the first day of January preceding the time of making such return, and on or before the first day of December in each year, cause to be paid into the treasury, free of any cost or deduction whatever, the said sum of thirty-one and a quarter cents on every hundred dollars of capital stock returned in manner aforesaid. And on neglect or refusal of any bank, office of discount and deposit, or office of discount only, except the offices of the Bank of the State of Georgia, a return of the capital stock of which, shall be made in manner aforesaid, by the principal cashier of said bank, to make return, or to pay the tax in the manner herein pointed out, it shall be lawful for the treasurer of the state, and it is hereby made his duty, immediately after the first day of December in each year, to issue his execution against the president and directors, managers or proprietors of any bank, office of discount and deposit, or office of discount only, so neglecting or refusing to make return, or pay the tax aforesaid; which execution shall be directed to the sheriff of the county in which such defaulting bank, office of discount and deposit, or office of discount only, shall be; and shall be issued for an amount equal to thirty-one and a quarter cents on every hundred dollars of the capital stock actually subscribed for in the Bank of the State of Georgia. And if any sheriff, to whom any execution, issued by virtue of the provisions of this act, may be directed, cannot find property whereon to levy, belonging to the bank, office of discount and deposit, or office of discount only, against the president and directors, managers or proprietors of which such execution may have issued, it shall be lawful for such sheriff, and it is hereby made his duty, to levy the same on the individual property of all or any of the directors, managers or proprietors, against whom such execution may be, and to sell such property, or so much thereof as will satisfy such execution, and pay all cost that may be incurred in consequence thereof.

When the requisite return is not made, or said tax not paid, the treasurer shall issue execution, &c.

To whom directed.

For what amount issued.

When property of the bank, &c. cannot be found, the sheriff shall levy on the individual property of all or any of the directors, &c.

Manner of proceeding against any sheriff who shall fail to collect and pay over to the treasurer, the amount of executions issued as aforesaid.

SECT. 3. *And be it further enacted*, That if any sheriff to whom an execution issued as herein required, may be directed, shall fail to collect the same by the time therein specified, and pay the amount thereof into the treasury, or deposit the same in such bank as the treasurer may direct, subject to the order of said treasurer, it shall be lawful for, and it is hereby made the duty of any judge of the Superior Courts of this state, to whom the treasurer shall make written application for that purpose during the recess of the courts, to cause such measures to be taken to compel an immediate payment by such sheriff of the amount of such execution, and such other proceedings to be had thereon as would be authorized if a rule were obtained against such sheriff in term time.

So much of this act as relates to the taxation of bank stock, to continue in force until altered, or repealed.

SECT. 4. *And be it further enacted*, That so much of this act as relates to the levying and collecting a tax on bank stock, shall continue in force until the same shall be altered or repealed by law.

SECT. 5. *And be it further enacted*, That all and every person or persons, or companies of individuals, not having a charter for the purpose from this state, who have or may hereafter issue any engraved due-bill, check, note or bill of exchange, intended to represent a bank note, shall keep a fair account of the amount issued or put into circulation by him, her or them, and make due return thereof, on oath, to the receiver of tax returns of the respective counties in which such issuer or signer may reside, at such time as is required by law for making returns of the taxable property, of the amount in circulation at the time of making such return, and shall pay to the tax collector of the county two and a half per centum on the amount then in circulation.*

(No. 563.) Any unauthorized person, &c. who have issued or may issue, any engraved note, &c. intended to represent a bank note, shall keep an account of the amount issued, and make a return on oath of the amount in circulation, &c. Shall pay $2\frac{1}{2}$ per cent. on said amount.

SECT. 6. *And be it further enacted*, That where either or any of the signers shall reside in this state, it shall be his, her or their duty to make such return, though the bills may purport to be issued, or put into circulation, or dated out of this state, and the fact of residence in this state of any of the signers or issuers, shall be conclusive evidence that the same were issued or put into circulation in this state; and if the return should not be made in manner aforesaid, by some one of the signers or issuers, the return of each, so far as it relates to such notes, shall be deemed fraudulent, and they shall be liable to all the penalties prescribed by the law of this state against those who make false returns, and shall, in case such return is not made, pay the penalty of six thousand dollars, to be collected by execution as in other cases: *Provided always*, that the return of any one of the signers or issuers, and the payment of the tax, shall be deemed sufficient.

Where any or either of the signers of said notes, &c. live in this state, such signer or signers shall make said return, although said notes purport to be issued out of this state.

Penalties.

Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid*, That all laws and parts of laws militating against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

* See act of 1818, No. 564; also act of 1819, No. 565. See also title "Banks Unchartered, &c." for further acts relative to change bills, &c.

(No. 564.)

AN ACT

To raise a Tax for the support of Government for the political year 1819.

The tax act passed in 1817 (except so much thereof as relates to the tax on change bills and bills of unchartered banks, which shall be taxed 31½ cents on every \$100 issued) continued in force for 1819.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority aforesaid, That the act passed the 19th of December, 1817, entitled An act to raise a tax for the support of government for the political year 1818, except as relates to the tax on change bills and bills issued by unchartered banks, which said change bills and bills issued by unchartered banks shall pay thirty-one and a quarter cents for each hundred dollars issued and in circulation, together with all acts and parts of acts which said act revives or continues, be, and the same are hereby continued in force, for and during the political year 1819.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 565.)

AN ACT

To raise a Tax for the support of Government for the political year 1820.

The tax act passed in 1817 continued in force for 1820, (except so much thereof as relates to the tax on change bills, &c. which shall

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the act passed the 19th day of December, 1817, entitled An act to raise a tax for the support of government for the political year 1818, except as relates to the tax on change bills and bills issued by unchartered banks, which said change bills and bills issued by unchar-

be taxed 31½ cents on every \$100 issued.)

tered banks shall pay thirty-one and a quarter cents for each hundred dollars issued and (No. 565.) in circulation, together with all acts and parts of acts which said act revives or continues, be, and the same are hereby continued in force for and during the political year eighteen hundred and twenty.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

TAXES EXTRA.

1811.
 {
 (No. 566.)

AN ACT*.

Authorizing the Inferior Court of Clark county to levy an extra Tax for the purpose of building Bridges in said county.

Preamble.

WHEREAS, it is represented that the county funds for the county of Clark are inadequate for the purpose of erecting the necessary public bridges in said county : For remedy whereof,

Clark county
 allowed an
 extra tax.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the Inferior Court of the said county of Clark be, and they are hereby authorized to levy an extra tax, not exceeding one-fourth of the state tax of said county, for the purpose of building such public bridge or bridges in said county, as to them may appear of public utility.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 4th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1812, No. 571, amendatory of this act. See also act of 1817, No. 588.

AN ACT*

(No. 567.)

To authorize the Inferior Court of Baldwin county to levy an extra Tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same,* That the justices of the Inferior Court of the county of Baldwin are hereby authorized and required to levy an extra tax on the inhabitants of Baldwin county, which shall not exceed one-fourth part of the general tax, for the purpose of building a court-house in said county.

An extra tax allowed to Baldwin county.

SECT. 2. *And be it further enacted,* That the tax collector for the county of Baldwin is hereby required to collect the said extra tax at the same time, and upon the same terms that he collects the general tax, and to pay over the same into the hands of the clerk of the Inferior Court of said county.

How collected.

SECT. 3. *And be it further enacted,* That the justices of the Inferior Court of Baldwin county are hereby authorized and required to apply the money to build a court-house in the town of Milledgeville, at the site established by law.

How appropriated.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1812, No. 572; also act of 1814, No. 576; also act of 1815, No. 582; also act of 1817, No. 588.

(No. 568.)

AN ACT*

To authorize the justices of the Inferior Court of the county of Randolph to levy an extra Tax for the year one thousand eight hundred and twelve, to enable them to complete the Court-House of the above named county.

Randolph
county allow-
ed an extra
tax.

How collect-
ed.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the justices of the Inferior Court of the county of Randolph be authorized to levy an extra tax, not to exceed one-third of the state tax, on the inhabitants of the above named county, liable to pay a tax, for the purpose of completing the court-house of said county; and said tax to be collected in the same manner, and under the same restrictions as other tax collected for the year one thousand eight hundred and twelve.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1815, No. 579; also act of 1818, No. 594; also act of 1819, No. 609.

AN ACT.

(No. 569.)

To authorize the justices of the Inferior Court of the county of Camden to levy an extra Tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the justices of the Inferior Court of the county of Camden, are hereby authorized and required to levy an extra tax on the inhabitants of Camden county, which shall not exceed one sixth part of the general tax, for the purpose of building a jail in said county of Camden. Camden county allowed an extra tax to build a jail.

SECT. 2. *And be it further enacted,* That the tax collector for the county of Camden is hereby required to collect the said tax, at the same time, and upon the same terms that he collects the general tax, and to pay over the same into the hands of the clerk of the Inferior Court of said county. Duty of the collector.

SECT. 3. *And be it further enacted,* That the said justices of the Inferior Court of Camden county, are hereby authorized and required to apply the money so collected to the building of a jail, in the town of Jefferson, in Camden county. Money raised, how to be applied.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 570.)

AN ACT*

To authorize the Inferior Court of Hancock county to levy an extra Tax, to enable them to build a new Jail, and for other county purposes.

An extra tax
allowed to
Hancock
county, for
county pur-
poses.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court of Hancock county shall be, and they are hereby authorized to levy an extra tax on all persons and property in said county liable to taxation, in order to enable them to build a new jail, and for other county purposes: *Provided,* the amount so levied shall not exceed one third part of the general tax, nor be continued for more than two years.

Duty of the
collector.

SECT. 2. *And be it further enacted,* That the collector of tax for said county shall collect and return the amount so levied, to be by them applied to the purposes aforesaid, after deducting the lawful per cent. for collecting the same.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See act of 1815, No. 578; act of 1817, No. 588; and act of 1819, No. 606.

AN ACT

(No. 571.)

To amend an act, entitled An act authorizing the Inferior Court of Clark county to levy an extra Tax, for the purpose of building Bridges in said county, passed the 4th day of December, 1811.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That it shall and may be lawful for the Inferior Court of the said county of Clark, to apply the money which has been collected, or may hereafter be collected, by virtue of the above recited act, to any county purposes which may, in their opinion, be most conducive to the interest and welfare of said county, any thing in the above recited act to the contrary notwithstanding.

The tax authorized by the recited act to be applied to any county purposes.

SECT. 2. *And be it further enacted,* That the money arising by said extra tax shall be recovered and accounted for by the tax collector, in like manner and conditions as other county taxes.

Duty of collector.

SECT. 3. *And be it further enacted,* That the above recited act, so far as it militates against this act, be, and the same is hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 27th November, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 572.)

AN ACT

*To authorize the Justices of the Inferior Court of Baldwin county to levy an extra Tax.**

Baldwin county allowed an extra tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the justices of the Inferior Court of the county of Baldwin, are hereby authorized and required to levy an extra tax on the inhabitants of Baldwin county, which shall not exceed one fourth part of the general tax, for the purpose of building a court-house in the said county.

Collector's duty.

SECT. 2. *And be it further enacted,* That the tax collector for the county of Baldwin is hereby required to collect the said extra tax, at the same time and upon the same terms that he collects the general tax, and pay over the same into the hands of the Inferior Court of the county of Baldwin, which shall be by them immediately applied to the building of a court-house in the town of Milledgeville, at the site established by law.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 9th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See act of 1814, No. 576.

AN ACT*

(No. 573.)

To authorize the Justices of the Inferior Court of the county of Madison to levy an extra Tax.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the justices of the Inferior Court of the county of Madison, are hereby authorized to levy a proportionate extra tax on the inhabitants of said county, for one year, not exceeding one fifth part of the annual general tax; which said tax shall be collected in the same manner as the general tax, out of which sum the tax collector shall be entitled to receive two and a half per cent. for his services; and the money so arising from the extra tax as aforesaid shall be appropriated as a part of the county funds, for the purpose of defraying the expense of running the artificial lines, ascertaining the centre of said county, and laying off the lots at the site for the public buildings, and for other county purposes.

Madison county allowed an extra tax for county purposes.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See act of 1813, No, 574.

(No. 574.)

AN ACT

To authorize the Justices of the Inferior Court of the county of Madison to levy an extra Tax.

Madison county allowed an extra tax for county purposes.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the justices of the Inferior Court of the county of Madison, or a majority of them be, and they are hereby authorized to levy an extra tax on the inhabitants and taxable property of said county for one year, which shall not exceed one fifth part of the general tax of said county; and the collector of said county shall be entitled to receive two and a half per cent. for collecting and paying over the same, which shall be collected in the same manner as the general tax of said county, to be applied to county purposes.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 20th November, 1813.

PETER EARLY, GOVERNOR.

(No. 575.)

AN ACT*

To authorize the Commissioners of the towns of Brunswick and Frederica to collect a Tax upon the lots of the same, to rebuild a Court-house and Jail in the county of Glynn.

A tax on the lots in the towns of Frederica and Brunswick authorized.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by authority of the same, That the commissioners of the towns of Brunswick and Frederica be, and they are hereby authorized to lay a tax upon the lots of said towns, whether improved or otherwise, and that the monies so collected be paid*

* See act of 1818, No. 599, amendatory of this act.

over to the justices of the Inferior Court of the county of Glynn, to and for the purpose (No. 575.) of erecting a court-house and jail in the said county.

SECT. 2. *And be it further enacted*, That the said commissioners, or a majority of them, in the event of said tax not being paid, have power to issue execution, which shall be levied on the aforesaid lots, after the usual advertisement of the same; unless the tax is paid, the lots shall be sold to satisfy the tax. How collected.

SECT. 3. *And be it further enacted*, That all acts militating against this act be, and the same are hereby repealed. Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 576.)

To authorize the justices of the Inferior Court of Baldwin county to levy an extra Tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That the justices of the Inferior Court of the county of Baldwin be, and they are hereby authorized to levy an extra tax on the inhabitants of said county, which shall not exceed one fourth part of the general tax, for the purpose of defraying the expense of building the court-house in said county. Baldwin county allowed an extra tax.

SECT. 2. *And be it further enacted*, That the said extra tax shall be collected by the tax collector of said county for the time being, whose duty it shall be to pay over the Duty of the collector.

(No. 576.) same to the Inferior Court thereof, to be appropriated by them for the purpose aforesaid, after deducting the usual per centum for collection.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

JARED IRWIN,
President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

(No. 577.)

AN ACT

To authorize the justices of the Inferior Court of Elbert county to levy an extra Tax, for the purpose of defraying the expense of building a Court-house in said county.

An extra tax
allowed to the
county of
Elbert.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the first day of January next, it shall and may be lawful for the justices of the Inferior Court of the county of Elbert, or any three or more of them, to levy an extra tax on the inhabitants of said county, not exceeding one third part of the state tax, as charged in the receiver's book, and to continue the levy annually thereafter, under the restrictions above mentioned, until a sufficient sum be raised to accomplish the purpose aforesaid.

Duty of the
collector.

SECT. 2. *And be it further enacted,* That when the tax is assessed as above pointed out, the tax collector of said county for the time being shall, and he is hereby authorized and empowered to collect the same; and the said collector shall be bound to the Inferior Court of said county, in a bond, with ample security, for the collection and paying over the amount so assessed and collected to the said justices; for which collection the said collector shall receive two and a half per cent. out of the monies so collected.

Money raised,
how to be ap-
propriated.

SECT. 3. *And be it further enacted,* That it shall be lawful for the said justices, or any three or more of them, and they are hereby authorized and required to lay out the monies so collected by them, for the purpose above mentioned, as may in their opinion

best secure and promote the completion of said court-house: *Provided*, neither of the (No. 577.) justices aforesaid shall become the undertaker of said building.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 578.)

To levy a Tax on the citizens of Hancock county, for county purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, all acts or parts of acts, imposing a tax on the citizens of Hancock for county purposes, be, and the same are hereby repealed; and that the Inferior Court of said county be authorized to levy not exceeding one-fourth of the amount of the general tax imposed on said county, for the purpose of establishing a fund to be appropriated to county purposes, subject to the orders of said court.

Repealing
clause.

Hancock
county allow-
ed an extra
tax for county
purposes.

SECT. 2. *And be it further enacted,* That the said tax shall be collected at the same time and manner, and by the same person who may collect the general tax, and he shall be allowed the same per centum for his services.

How collect-
ed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 30th November, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 579.)

AN ACT

To authorize the Justices of the Inferior Court of Jasper county to levy an extra Tax, for county purposes.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior Court of Jasper county, or a majority of them, are hereby authorized to levy an extra tax on the inhabitants of said county, for one year, which shall not exceed one-third of the general tax of said county; and the collector of said county shall be entitled to two and one half per cent. for collecting and paying over the same, which shall be collected in the same manner as the general tax of said county, to be applied to county purposes.

Jasper county
allowed an
extra tax for
county pur-
poses.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 580.)

AN ACT

*To authorize the Inferior Courts of Lincoln and Wilkes counties to levy an extra Tax.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior Court of the county of Lincoln, or a majority of them, be, and they are hereby authorized, (from and after the first day of January next,) to levy an extra tax on the inhabitants of said county, for two years, which shall not exceed*

Lincoln coun-
ty allowed an
extra tax for
county pur-
poses.

* See act of 1817, No. 588; act of 1818, No. 592; and acts of 1819, numbers 605 and 610.

one fourth part of the general tax assessed for that period, for the purpose of defraying (No. 580.) the expense of building a common jail in said county.

SECT. 2. *And be it further enacted*, That the justices of the Inferior Court for the county of Wilkes, or a majority of them, be, and they are hereby authorized, from and after the first day of January next, to levy an extra tax on the inhabitants of said county liable to pay tax, which said extra tax shall not exceed one third part of the general tax assessed for the year eighteen hundred and sixteen, for the purpose of building a court-house and jail in the said county. Wilkes county allowed an extra tax.

SECT. 3. *And be it further enacted*, That the said extra tax shall be collected by the tax collectors of said counties for the time being, whose duty it shall be to pay over the same to the Inferior Courts thereof, to be appropriated by them for the purpose aforesaid, after deducting the usual per centum for collection. Duty of the collectors of said counties.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 581.)

To authorize the Justices of the Inferior Court of Pulaski county to levy an extra Tax.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior Court of the county of Pulaski be, and they are hereby authorized to levy an extra tax, not to exceed one-fifth of the state tax, on the inhabitants of the above named county liable to pay tax, for the purpose of aiding the county funds to build a jail, and for other purposes; and said tax to be collected in the same manner Pulaski county allowed an extra tax for county purposes.

* See act of 1818, No. 600.

No. (581.) and under the same restrictions as other tax collected for the year one thousand eight hundred and sixteen.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 582.)

AN ACT

To authorize the Justices of the Inferior Court of Baldwin county to levy an extra Tax.

Baldwin county allowed an extra tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court of Baldwin county be, and they are hereby authorized to levy an extra tax on the inhabitants of said county, which shall not exceed one fourth part of the general tax, for the purpose of defraying the expense of building the court-house in said county.

How collected.

SECT. 2. *And be it further enacted,* That the said extra tax shall be collected by the tax collector of said county for the time being, whose duty it shall be to pay over the same to the Inferior Court thereof, to be appropriated by them for the purpose aforesaid, after deducting the usual per centum for collection.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 30th November, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 583.)

To authorize the Justices of the Inferior Court of Effingham county to levy an extra Tax, for the purpose of defraying the expense of building a Court-house in said county, and to authorize them to sell and dispose of a decayed brick Building in the town of Ebenezer, for like purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the first day of January next, it shall and may be lawful for the justices of the Inferior Court of the county of Effingham, or any three or more of them, to levy an extra tax on the inhabitants of said county, not exceeding one half of the state tax, as to be charged in the receiver's digest for the year 1817.

Effingham
county allow-
ed an extra
tax.

SECT. 2. *And be it further enacted,* That when the tax is assessed as above pointed out, the tax collector of said county, for the time being, shall, and he is hereby authorized and empowered to collect the same; and the said collector shall be bound to the Inferior Court of said county in a bond, with ample security, for the collection and paying over the amount so assessed and collected to the justices of the Inferior Court, to be appropriated by them for the purpose of building a court-house in said county; and the said collector shall be allowed the usual per centum for collecting and paying over the same.

Duty of the
collector.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said justices of the Inferior Court, or any three or more of them, and they are hereby authorized and required to lay out the monies collected by them, for the purpose aforementioned, as may, in their opinion, best secure and promote the completion of said court-house: *Provided,* neither of the justices aforesaid shall become the undertaker of said building.

Money so
raised, how
appropriated.

SECT. 4. *And be it further enacted,* That the justices of the Inferior Court, or any three of them, be, and they are hereby authorized to sell and dispose of a decayed brick building in the town of Ebenezer, formerly used as a magazine, in such manner as they may deem most proper; the monies arising therefrom to be applied by the justices aforesaid, for the purpose of aiding and completing the court-house to be built in said county.

The Inferior
Court author-
ized to sell the
old Magazine,
in Ebenezer.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 584.)

AN ACT

*To authorize the Justices of the Inferior Court of Telfair county to levy an extra Tax.**

Telfair county
allowed an
extra tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court for the county of Telfair be, and they are hereby authorized and required to lay an extra tax upon the inhabitants of Telfair county, which shall not exceed one fourth part of the general tax, for the purposes of building a court-house and jail in said county, and for other county purposes.

Duty of the
collector.

SECT. 2. *And be it further enacted,* That the tax collector for the county of Telfair be, and he is hereby required to collect the said extra tax, at the same time and upon the same terms that he collects the general tax; and when collected, he shall pay over the same to the clerk of the Inferior Court, to be applied to the purposes contemplated by this act.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

* See act of 1818, No. 596.

AN ACT

(No. 585.)

To authorize the Justices of the Inferior Court of Jackson county to levy an extra Tax, for the purpose of building a Jail in said county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January next it shall and may be lawful for the justices of the Inferior Court of Jackson county, or a majority of them, to levy an extra tax on the inhabitants of said county, which shall be sufficient to build a good and sufficient jail in said county: *Provided nevertheless,* that they shall not be authorized to levy more than fifty per centum on the state tax in any one year. Jackson county allowed an extra tax. Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when such tax shall by the Inferior Court be assessed, that the tax collectors of said county, for the time being, shall; and they are hereby authorized and empowered to collect the same: and the said tax collectors shall be bound, in bonds and sufficient securities, to the Inferior Court of said county, to collect and pay over to them the amount so assessed and collected, to be by them appropriated in whatever way they may think best in building a jail in said county: and the tax collectors shall be entitled to two and a half per centum on the amount by them collected, for collecting and paying over the same. How collected, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all that part of the tax so collected, which may be collected of the citizens of said county, which may be joined to or added to any of the counties formed out of the ceded territory lately acquired from the Cherokee Indians, and which may be collected before the division of said county takes place, shall be by the Inferior Court of said county refunded to the new counties, to which the citizens from whom the same was collected shall be added, to be applied to the benefit of said new counties: *Provided,* such division takes place in three years from the passage of this act. The tax collected in such part of said county as may hereafter be added to any of the new counties, how disposed of. Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 586.)

AN ACT*

To authorize the Justices of the Inferior Court of Glynn county to levy an extra Tax, for the purpose of rebuilding a Court-house and Jail in said county, and for other purposes, and to make permanent the site of the same.

Glynn county
allowed an
extra tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, that the justices of the Inferior Court of said county shall be fully authorized and required to levy a tax on the citizens of Glynn county, not exceeding one-fourth of their general tax.

How collect-
ed.

SECT. 2. *And be it further enacted,* That the said justices shall appoint a fit and proper person to collect said tax, who shall receive two and a half per cent. for collecting the same.

Collector to
give bond and
security.

Court and jail
where to be
built.

SECT. 3. *And be it further enacted,* That the said justices shall take a bond and sufficient security from him the said collector, for the faithful performance of his duty as such; and that the said justices shall have full power to contract for the building of the said court-house and jail in said county, which shall be built on the same ground, in the town of Brunswick, that the former one originally stood on.

An annual ex-
tra tax autho-
rized until
said buildings
are complet-
ed.

SECT. 4. *And be it further enacted,* That the justices of the Inferior Court of said county shall have full power, from year to year, to levy and continue the same proportion on the general tax, until the building shall be complete.

Powers of the
Inferior Court
with regard
to said build-
ings.

SECT. 5. *And be it further enacted,* That the said justices shall have full power to sue and be sued, and do all things necessary; to approve or disapprove, and to forward the buildings of the said court-house and jail in said county; and they are fully authorized to collect any monies that may be due in said county, that have been levied in said county, for the purpose of building the said court-house and jail, and appropriate the same.

* See act of 1819, No. 607.

SECT. 6. *And be it further enacted*, That all laws and parts of laws militating (No. 586.) against the provisions of this act be, and the same are hereby repealed.

Repealing
clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 587.)

To authorize the Justices of the Inferior Court of Greene county to levy an extra Tax, for the purpose of building a Jail in said county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act, the justices of the Inferior Court of the county of Greene, or any three or more of them, are hereby authorized, and the same shall be lawful to levy an extra tax on the inhabitants of said county, which in their opinion may be necessary for the building a jail in said county, not exceeding the one-half of the state tax now imposed.

Greene coun-
ty allowed an
extra tax.

SECT. 2. *And be it further enacted*, That when said tax is imposed as above pointed out, the tax collector of said county for the time being shall, and he is hereby authorized and empowered to collect the same; and the said collector shall be bound to the Inferior Court of said county, in a bond with ample security, for the collection and paying over the amount so collected to the justices of the Inferior Court of said county, to be appropriated by them for the purpose of building a jail in said county; and the said collector shall be allowed the usual per centum for collecting and paying over the same: *Provided*, neither of the justices of said Inferior Court shall contract for themselves to build said jail.

How collect-
ed.

Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 588.)

AN ACT

To authorize the Inferior Courts of Baldwin, Hancock, Wilkes, Clark and Putnam counties to levy an extra Tax, for the purpose of building Bridges, and other county purposes.

Baldwin, Hancock, Wilkes, Clark and Putnam counties allowed an extra tax for county purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act, the justices of the Inferior Courts of Baldwin, Hancock, Wilkes, Clark and Putnam counties, or any three or more of them respectively, are hereby authorized to levy an extra tax on the inhabitants of said counties, not exceeding one-half of the state tax, as charged in the receiver's books: and the said justices of said Inferior Courts respectively shall be authorized to collect the same; and the same, when collected, they shall apply to the building of bridges in said counties respectively, and for other county purposes.

Duty of the collectors of said counties.

SECT. 2. *And be it further enacted,* That the tax collectors of said counties of Baldwin, Hancock, Wilkes, Clark and Putnam respectively, shall, so soon as the justices of the Inferior Courts of said counties shall so direct them, give bond and security respectively to said justices for collecting the same, and shall immediately proceed thereto, and the same, when collected, shall pay over to the said justices of the Inferior Courts of said counties respectively; and the said tax collectors shall be allowed the usual commissions and fees for collecting said tax.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 589.)

To authorize the Justices of the Inferior Court of Columbia county to levy an extra Tax, for the purpose of building or repairing a Jail in said county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act, the justices of the Inferior Court of Columbia county, or any three or more of them, are hereby authorized to levy an extra tax on the inhabitants of said county annually, not exceeding one half the state tax, as charged in the receiver's books, which said extra tax shall be collected in the same manner as the general tax, and by the same collector; out of which sum the tax collector shall be entitled to receive the same commissions as for collecting the general tax; and the monies so arising from the extra tax as aforesaid shall be appropriated in aid to the county funds, for the special purpose of building or repairing the jail in said county.

Columbia county allowed an extra tax.

Appropriation of said tax.

SECT. 2. *And be it further enacted,* That the tax collector of Columbia county, previous to his collecting the said extra tax, shall give bond and satisfactory security to the justices of the Inferior Court of said county, in the sum of three thousand dollars, conditioned for the faithful collection and paying over the amount of the said extra tax to the clerk of the Inferior Court of said county.

Collector shall give bond and security.

SECT. 3. *And be it further enacted,* That it shall be the duty of the justices of the Inferior Court for the county of Columbia, or a majority of them, so soon as they, or a majority of them, may deem it expedient so to do, to proceed to the letting of the building of a new, or repairing of the old jail in the said county, to the lowest bidder, by public outcry, at the court-house, after giving twenty days public notice at three or more places in the county.

Power of the Inferior Court of said county, with regard to the jail.

SECT. 4. *And be it further enacted,* That this act shall be and continue in force, until there shall be a sufficient quantum of monies raised in aid of the county funds, to complete a good and sufficient jail in said county, and no longer.

Duration of this act.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 590.)

AN ACT

To authorize the Justices of the Inferior Court of Burke county to levy an extra Tax, for the purpose of building a Court-house in said county.

Burke county allowed an extra tax to build a jail.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act the justices of the Inferior Court of Burke county, or any three or more of them, are hereby authorized, and the same shall be lawful, to levy an extra tax on the inhabitants of said county, which, in their opinion, may be necessary for the building of a court-house in said county, not exceeding seventy-five per cent. on the amount of the state tax, in addition to that already authorized to be levied for county purposes.

Duty of the collector.

SECT. 2. *And be it further enacted,* That when said tax is imposed as above pointed out, the tax collector of said county, for the time being, shall, and he is hereby authorized and required to collect the same; and the said collector shall be bound to the Inferior Court of said county, with a bond with ample security, for the collection and paying over the amount so collected to the justices of the Inferior Court of said county, to be appropriated by them for the purpose of building a court-house in said county; and the said collector shall be allowed the usual per centum for collecting and paying over the same.

Continuation of said tax.

SECT. 3. *And be it further enacted,* That the said justices be, and they are hereby authorized and empowered to continue the said extra tax, until a sufficient sum be raised to defray all the expenses which may be incurred by building the court-house in said county, any law to the contrary notwithstanding.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT*

(No. 591.)

To authorize the Justices of the Inferior Court of Oglethorpe county to levy an extra Tax, for the purpose of building a Court-house in said county.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the justices of the Inferior Court of the county of Oglethorpe are hereby authorized to levy an extra tax on the inhabitants of said county, in the year eighteen hundred and nineteen, not exceeding seventy-five per cent. on the general tax of the preceding year.

An extra tax
allowed to the
county of
Oglethorpe.

That when said tax is imposed, as above pointed out, the tax collector of said county for the time being, shall, and he is hereby authorized and empowered to collect the same; and the said collector shall be bound to the Inferior Court of said county, for the collection and paying over the amount so collected to the justices of the Inferior Court of said county, to be appropriated by them for the purpose of building a court-house in said county; and the tax collector shall be allowed two and a half per cent. for collecting and paying over the same: *Provided*, the said tax so collected be paid over on or before the third Monday in June next.

Duty of the
collector.

Proviso.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 20th November, 1818.

WILLIAM RABUN, GOVERNOR.

* See act of 1819, No. 602.

(No. 592.)

AN ACT

To authorize the Justices of the Inferior Courts of Wilkinson and Wilkes counties respectively to levy extra Taxes, for the purpose of defraying the expenses of building Court-houses in said counties.

WILKINSON AND
WILKES COUNTIES
ALLOWED
EXTRA TAXES,
FOR BUILDING
COURT-HOUSES.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act, the justices of the Inferior Courts of the counties of Wilkinson and Wilkes respectively, or a majority of them, are hereby authorized, and the same shall be lawful for them, to levy extra taxes on the inhabitants of said counties, which shall be sufficient to defray the expenses of building court-houses in said counties, not exceeding one half of the state tax now imposed in said counties respectively.

DUTIES OF THE
COLLECTORS OF
SAID COUNTIES.

SECT. 2. *And be it further enacted,* That when said taxes are imposed as above pointed out, the tax collectors of said counties for the time being shall, and they are hereby authorized and empowered to collect the same; and the said collectors shall be bound to the Inferior Courts of said counties, in bonds respectively, with ample securities, for the collection and immediate paying over the amounts so collected to the clerks of the Inferior Courts of said counties respectively, to be paid by said courts to the undertakers of the court-houses in said counties, or so much thereof as shall be sufficient to discharge their just demands against said counties; and the balance, if any, shall be appropriated to county purposes.

THEIR COM-
PENSATION.

SECT. 3. *And be it further enacted,* That the tax collectors shall receive for their services two and one half per centum, on the sums by them so collected and paid over.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 24th November, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 593.)

To alter and amend the fourteenth section of an act, entitled "An act to protect the estate of Orphans, and to make permanent provision for the Poor."

WHEREAS, it is found by experience that the provision made for the poor, in the Preamble above recited act, is insufficient for their support :

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Courts of the different counties in this state, be hereby authorized and empowered to levy a tax, and assess all taxable property returned in their respective counties, not to exceed one eighth part of the general tax of such county, annually, and that it be collected in the same manner, and under the same restrictions as prescribed in the above recited act.

A tax for the support of the poor, authorized to be levied in the several counties of this state.

SECT. 2. *And be it further enacted,* That so much of the before recited act as militates against this act be, and the same is hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 24th November, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 594.)

To authorize the Justices of the Inferior Court of Jasper county to levy an extra Tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court of Jasper county be, and they are hereby authorized to levy an extra tax on the inhabitants of said county, which shall not exceed fifty

Jasper county allowed an extra tax.

(No. 594.) per centum on the general tax, for the purpose of defraying the expenses of repairing the court-house and jail in said county.

How collect-
ed, &c.

SECT. 2. *And be it further enacted*, That the said extra tax shall be collected by the tax collector of said county, for the time being, whose duty it shall be to pay over the same to the Inferior Court of said county, to be appropriated by them for the purpose aforesaid, after deducting two and a half per centum for collection.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 26th November, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 595.)

AN ACT

To authorize the Justices of the Inferior Court of Washington county to levy and collect an extra Tax on said county, for county purposes.

Washington
county allow-
ed an extra
tax for county
purposes.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That it shall and may be lawful for the Inferior Court of said county to levy an extra tax on the citizens, not exceeding twenty-five per cent. on the general tax, in addition to the tax already laid for county purposes; and that the collector of the general tax be required to collect the same at the time of collecting the tax of 1818, for which he shall be allowed two and a half per cent.; and that the said court take bond and security from the said collector, for the faithful performance of his duty.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 8th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 596.)

To authorize the Justices of the Inferior Court of Telfair county to levy an extra Tax, for the purpose of building a Court-house and Jail in said county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the justices of the Inferior Court of said county, or a majority of them, shall be fully authorized and required to levy an extra tax on the citizens of Telfair county, not exceeding fifty per cent. on their general tax. Telfair county allowed an extra tax.

SECT. 2. *And be it further enacted,* That the said justices shall appoint a fit and proper person to collect said tax, who shall receive two and a half per cent. for collecting the same; and the said justices shall take a bond and sufficient security from him, the said collector, for the faithful performance of his duty as such. How collected, &c.

SECT. 3. *And be it further enacted,* That the justices of the Inferior Court of said county shall have full power, from year to year, to levy and continue the same proportion on the general tax, until the buildings shall be complete. Continuation of the tax.

SECT. 4. *And be it further enacted,* That all laws and parts of laws militating against the provisions of this act be, and the same are hereby repealed. Repealing clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 15th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 597.)

AN ACT

To authorize the Justices of the Inferior Court of M^cIntosh county to levy an extra Tax, for the support of the poor.

M^cIntosh
county allow-
ed an extra
tax for the
support of the
poor.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court of M^cIntosh county, or a majority of them, be, and they are hereby authorized to levy an extra tax on the inhabitants of said county, for the year eighteen hundred and nineteen, not exceeding one-third of the general tax of said county, and to apply the same to the support of the poor.

How collect-
ed, &c.

SECT. 2. *And be it further enacted,* That it shall be the duty of the tax collector of M^cIntosh county, for the year eighteen hundred and nineteen, to collect the said extra tax, and he shall be allowed two and a half per centum for collecting and paying over the same; and if the said tax collector shall fail to pay over the said tax, when collected, it shall be lawful for said justices to proceed against said tax collector as they are authorized on failure to account for other county taxes.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT*

(No. 598.)

To authorize the Justices of the Inferior Court of Jones county to levy an extra Tax, for the purpose of building a Court-house and Jail in said county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passage of this act, it shall and may be lawful for the justices of the Inferior Court of Jones county, or a majority of them, to levy an extra tax on the inhabitants of said county, which, in their opinion, may be necessary to defray the expense of building a court-house and jail in said county: *Provided nevertheless,* that they shall not be authorized to levy more than seventy-five per centum on the state tax now imposed. Jones county allowed an extra tax. Proviso.

SECT. 2. *And be it further enacted,* That when said tax may be imposed as above authorized, the tax collector of said county for the time being shall, and he is hereby authorized and empowered to collect the same; and the said collector shall be bound to the Inferior Court of said county in a bond, with good and sufficient security, for the collection and paying over the amount so collected, to the justices of the Inferior Court of said county, to be appropriated by them to the purposes herein above mentioned; and the said collector shall be allowed two and a half per centum for collecting and paying over the same. How collected, &c.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

* See act of 1819, No. 608.

(No. 599.)

AN ACT

To amend An act to authorize the Commissioners of the town of Brunswick and Frederica to collect a Tax upon the lots of the same, to rebuild a Court-house and Jail in the county of Glynn, passed the 18th November, 1814.

Limitation of the tax authorized by the recited act. SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That the tax authorized by the aforesaid act to be levied on the lots of said towns of Brunswick and Frederica, shall not exceed one dollar on each unimproved lot, nor shall exceed three dollars on any one improved lot, and that the tax so directed to be levied shall be collected in the ordinary way of collecting taxes, by execution and sale of said lots, or any other property owned by the persons owning said lots, giving sixty days notice in some public gazette of the time of the sale of such property.

Repealing clause.

SECT. 2. *And be it further enacted,* That all laws or parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 600.)

To authorize the Inferior Court of Pulaski county to levy an extra Tax, for county purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and immediately after the passing of this act the Inferior Court of the county of Pulaski shall be, and they are hereby authorized to levy a tax on said county, at their discretion, not exceeding twenty-five per cent. on the amount of the general tax, in addition to any tax that they are now authorized to levy for county purposes. Pulaski county allowed an extra tax.

SECT. 2. *And be it further enacted,* That the said court shall be, and they are hereby authorized, in each and every year, to levy the aforesaid tax, if, in their judgment, it should be necessary. May be levied annually.

SECT. 3. *And be it further enacted,* That the said tax shall be collected by the tax collector of said county for the time being, who shall receive two and a half per centum on the amount for so collecting. How collected.

SECT. 4. *And be it further enacted,* That the said Inferior Court shall be, and they are hereby authorized, to take of the said tax collector the necessary bond, requiring him to collect and pay over to the clerk of the Inferior Court the amount of taxes so levied, and to be collected. Collector to give bond and security.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 601.)

AN ACT

To authorize the Justices of the Inferior Court of Montgomery county to levy and collect an extra county Tax, for the purpose of building a Jail in said county.

Montgomery
county allow-
ed an extra
tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted, by the authority of the same,* That from and immediately after the passing of this act, the justices of the Inferior Court of said county, or a majority of them, shall be fully authorized annually to levy and cause to be collected an extra county tax on the citizens of said county of Montgomery, which shall not exceed one third part of their general tax.

How collect-
ed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said justices shall appoint a fit and proper person to collect said tax, who shall receive two and a half per cent. for collecting the same; and the said justices shall take a bond and sufficient security from him, the said collector, for the faithful performance of his duty as such.

Duty of the
collector.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the collector of said extra tax, so soon as he has collected the same, to pay the same into the hands of the clerk of the Inferior Court of said county; and the justices of said court shall deliver the said extra tax, when so collected, into the hands of the commissioners of the public buildings of said county, by them to be applied to the special purpose of building a jail in said county of Montgomery.

Duration of
this act.

SECT. 4. *And be it further enacted by the authority aforesaid,* That this act shall continue in force until there shall be a sufficient sum of money raised, in aid of the county funds, to complete a good and sufficient jail in said county, and no longer.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 602.)

To authorize the Justices of the Inferior Court of Oglethorpe county to levy an extra Tax, for the purpose of building a Court-house in said county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the justices of the Inferior Court of the county of Oglethorpe are hereby authorized to levy an extra tax on the inhabitants of said county, in the year one thousand eight hundred and twenty, not exceeding seventy-five per cent. on the general tax of the preceding year.*

Oglethorpe county allowed an extra tax.

SECT. 2. *And be it further enacted by the authority aforesaid, That when said tax is imposed as above pointed out, the tax collector of said county, for the time being, shall, and he is hereby authorized and empowered to collect the same; and the said collector shall be bound to the Inferior Court of said county, for the collection and paying over the amount so collected to the justices of the Inferior Court of said county, to be appropriated by them for the purpose of building a court-house in said county; and the tax collector shall be allowed two and a half per cent. for collecting and paying over the same: Provided, the said tax so collected be paid over on or before the third Monday in June next.*

How collected, &c.

Proviso.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 30th November, 1819.

JOHN CLARK, GOVERNOR.

(No. 603.)

AN ACT

To authorize the Justices of the Inferior Court of Morgan county to levy and collect an extra Tax on said county, for the purpose of building a Jail.

Morgan county allowed an extra tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the Inferior Court of Morgan county, or a majority of them, shall be, and they are hereby authorized to levy a tax on said county, not exceeding twenty-five per cent. on the amount of the general tax, in addition to any tax that they are now authorized to levy for county purposes.

May be levied for two years, if necessary.

SECT. 2. *And be it further enacted,* That the said court shall be, and they are hereby authorized to levy the aforesaid tax for the space of two years, if in their judgment it should be necessary.

How collected.

SECT. 3. *And be it further enacted,* That the said tax shall be collected by the tax collector of said county, for the time being, who shall receive two and a half per centum on the amount for so collecting.

Collector to give bond.

SECT. 4. *And be it further enacted,* That the said Inferior Court shall be, and they are hereby authorized to take of the said tax collector the necessary bond, requiring him to collect, and pay over to the clerk of the Inferior Court, the amount of taxes so levied and to be collected.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 604.)

To authorize the Justices of the Inferior Courts of the counties of Gwinnett, Hall, Walton and Habersham to levy an extra Tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Courts of the counties of Gwinnett, Hall, Walton and Habersham, are hereby authorized to levy an extra tax on the inhabitants of said counties, not exceeding fifty per cent. on the general tax of the preceding year.

Gwinnett, Hall, Walton and Habersham counties, allowed an extra tax.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when said tax is imposed as above pointed out, the tax collectors of said counties, for the time being, shall, and they are hereby authorized and empowered to collect the same; and the said collectors shall be bound to the Inferior Courts of said counties, for collecting and paying over the amounts so collected to the clerks of the Inferior Courts of said counties, to be appropriated by the said Inferior Courts for the purposes of defraying, in part, the expense of building court-houses and jails in said counties; and the tax collectors of said counties shall be allowed two and a half per cent. for collecting and paying over the same: *Provided,* that the said tax so collected be paid over, on or before the first Monday in September annually, during the continuation of this act; which shall continue in force until the completion of said several buildings, any law to the contrary notwithstanding.

Duty of the collectors, &c.

Proviso.

Continuation of this act.

DAVID ADAMS,

Speaker of the House of Representatives:

MATTHEW TALBOT,

President of the Senate.

Assented to, 30th November, 1819.

JOHN CLARK, GOVERNOR.

(No. 605.)

AN ACT

To authorize the Justices of the Inferior Court of Lincoln county to levy an extra Tax, (if needed,) for the purpose of assisting the Poor, and defraying the public expenses in said county.

Lincoln county allowed an extra tax for certain purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the justices of the Inferior Court of Lincoln county, or a majority of them, are hereby authorized, and the same shall be lawful, to levy an extra tax which, in their opinion, may be necessary, on the inhabitants of said county, for the support of the poor, and defraying the public expenses in said county, not exceeding one fourth part of the state tax now imposed.*

How collected, &c.

SECT. 2. *And be it further enacted, That when said tax is imposed as above pointed out, the tax collector of said county, for the time being, shall, and he is hereby authorized and empowered to collect the same ; and the said tax collector shall be bound to the Inferior Court of said county, in a bond with ample security, for the collection and paying over the amount so collected to the justices of the Inferior Court of said county, to be appropriated by them for the purposes above specified ; and the said tax collector shall be allowed the usual per centum for collecting and paying over the same.*

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 606.)

To authorize the Inferior Court of Hancock county to levy an extra Tax, for building a Jail, and for other county purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* Hancock county allowed an extra tax for county purposes.
from and immediately after the passing of this act, the justices of the Inferior Court of Hancock county, or any three or more of them, are hereby authorized to levy, from year to year, (as they in their judgment may deem needful,) an extra tax on the inhabitants of said county, not exceeding in any one year one half of the state tax, as charged in the receiver's books. And the said justices shall be authorized to collect the said extra tax as levied; and the same, when collected, they shall apply to the building a jail, and other county purposes.

SECT. 2. *And be it further enacted, That the tax collector of said county of Hancock shall, so soon as the justices of the Inferior Court of said county shall so direct them, give bond and approved security to said justices and their successors, for the collecting of said extra tax, and shall immediately proceed thereto: and the same, when so collected, shall pay over to the justices of the Inferior Court of said county; and the said tax collector shall be allowed the usual commissions and fees for collecting the said tax.* Duty of the collector.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 607.)

AN ACT

To authorize the Justices of the Inferior Court of Glynn county to levy an extra Tax, for the purpose of building a Jail in said county.

Glynn county
allowed an
extra tax for
certain pur-
poses.

BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That immediately after the passing of this act, the justices of the Inferior Court of Glynn county, are hereby authorized to levy an extra tax upon all the taxable property of said county for the purpose of building a jail in said county: the tax so levied shall not exceed one-fourth of the general tax of said county; and the tax collector of said county shall be allowed two and a half per cent. for collecting the said tax, and paying it over to the justices of the Inferior Court, any law to the contrary notwithstanding.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 13th December, 1819.

JOHN CLARK, GOVERNOR.

(No. 608.)

AN ACT

To authorize the Justices of the Inferior Court of Jones county to levy an extra Tax, for the purpose of building a common Jail in said county.

Jones county
allowed an
extra tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior Court of the county of Jones are hereby authorized to levy an extra tax on the inhabitants of said county, in the year eighteen hundred and twenty, not exceeding fifty per cent. on the general tax of the preceding year.*

Duty of the
collector, &c.

SECT. 2. *And be it further enacted by the authority aforesaid, That when said tax is imposed as above pointed out, the tax collector of said county for the time being shall, and he is hereby authorized and empowered to collect the same; and the said collector*

shall be bound to the Inferior Court of said county, for the collection and paying over (No. 608.) the amount so collected to the justices of the Inferior Court of said county, to be appropriated by them for the purpose of building a common jail in said county; and the tax collector shall be allowed two and a half per cent. for collecting and paying over the same: *Provided*, the said tax so collected be paid over on or before the first Monday in Proviso. July next.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 14th December, 1819.

JOHN CLARK, GOVERNOR.

AN ACT

(No. 609.)

To authorize the Justices of the Inferior Court of the county of Jasper to levy an extra Tax, for the purpose of building a Bridge across Murder Creek, at a place called Gammage's Ford, on said creek; and to authorize the Inferior Court of Greene county to levy an extra Tax, for county purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the justices of the Inferior Court of the county of Jasper, or any three of them, are hereby authorized to levy an extra tax on the inhabitants of said county, for such sum as they may deem necessary, not exceeding one-third of the general tax, for the purposes above mentioned. Jasper county allowed an extra tax for certain purposes.

SECT. 2. *And be it further enacted,* That the justices of the Inferior Court of the county of Greene, shall be authorized to levy an extra tax of twenty-five per centum on the amount of the state tax, in addition to the amount they are authorized by law to levy for county purposes. Greene county allowed an extra tax.

SECT. 3. *And be it further enacted,* That when said tax is imposed, the tax collectors of the said counties, for the time being, shall collect the same, and shall be bound to the Duty of the collectors of said counties.

(No. 609.) Inferior Courts of said counties, in a bond with ample security, for the collection and paying over the amount so collected to the justices of the Inferior Courts of said counties, to be applied by them to the purposes above mentioned; and the collectors shall be allowed the usual per centum for collecting and paying over the same.

Their compensation.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

(No. 610.)

AN ACT

To authorize the Justices of the Inferior Court of Wilkes county to levy an extra Tax, for the purpose of completing the Court-house and Jail in said county.

Wilkes county allowed an extra tax.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the justices of the Inferior Court of Wilkes county, or a majority of them, are hereby authorized, and the same shall be lawful for them, to levy an extra tax on the inhabitants of said county, which shall not exceed fifty per cent. on the amount of the state tax now imposed; which said extra tax shall, by said justices, or a majority of them, be imposed yearly, until a sufficient sum shall be raised to defray the expenses of building said court-house and jail.*

Duty of the collector.

SECT. 2. *And be it further enacted, That when said tax shall be imposed as above pointed out, the tax collector of the county of Wilkes, for the time being, shall, and they are hereby authorized and empowered to collect the same; and the said collectors shall be bound to the Inferior Court of said county, in a bond with ample security, for the collection and immediately paying over the amount so collected to the clerk of the Inferior Court of said county, to be paid by said court to the undertakers of the court-*

house and jail, or so much thereof as shall be sufficient to discharge their just demands (No. 610.) against said county ; and the balance, if any, shall be appropriated to county purposes.

SECT. 3. *And be it further enacted,* That the tax collector of said county shall receive, for his services, the usual per centum on the sums by him so collected and paid over.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 29th November, 1819.

JOHN CLARK, GOVERNOR.

TOWNS.

HARTFORD.

1811.

(No. 611.)

AN ACT*

To incorporate the town of Hartford, in the county of Pulaski, and to vest certain powers in the commissioners thereof.

Commission-
ers of the town
of Hartford
appointed.
May pass bye-
laws.

Proviso.

Proviso.

Their conti-
nuance in
office.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That Thomas A. Hill, Solomon A. Hopkins, Elijah Wallace, William Lyon and Henry Simmons be commissioners of said town; and they and their successors in office shall have full power and authority to pass all bye-laws and regulations, which may be necessary for the improvement and repairing of the streets of said town, and the preservation of the public good: Provided nevertheless, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state, and that no penalty thereby imposed shall extend to corporal punishment, except to people of colour: And provided also, that the said commissioners shall not impose any tax upon the citizens of the said town, which shall exceed one dollar on each poll within the term of one year.*

SECT. 2. *And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, one thousand eight hundred and thirteen, and on the first Monday in January in every year thereafter, on which day all the free*

* This act amended by the two which follow it.

male citizens of the said town, who have given in their taxable property, and who are (No. 611.) entitled to vote for members of the General Assembly, shall assemble at the court-house To be elected annually, on the 1st Monday in January. in said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election two justices of the peace for the said county shall preside: *Provided nevertheless*, that said commissioners shall be re-eligible to the said appointment. Who to preside at their election.

SECT. 3. *And be it further enacted*, That the said incorporation shall attend to and take all the town lots that have been originally laid off in said town, and also shall comprehend all the land within three hundred yards of the said court-house, it being the centre of said corporation. Extent of the incorporation.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 612.)

To amend an act, entitled An act to incorporate the town of Hartford, in the county of Pulaski, and to vest certain powers in the Commissioners thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the said town of Hartford shall take the following oath before a justice of the Inferior Court or justice of the peace: "I, A. B. do solemnly swear, or affirm, (as the case may be,) that I will, to the utmost of my power, support, advance and defend the good order, peace and welfare of the town of Hartford, as commissioner of said town; so help me God." Commissioners of the town of Hartford to take an oath.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 613.)

AN ACT

To amend an act, entitled An act to incorporate the town of Hartford, in the county of Pulaski.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

Five commis- That there shall be five commissioners elected or re-elected, on the first Saturday in
sioners for the town of Hart- January in every year, for said town; and they and their successors in office shall have
ford; when to be elected. full power and authority to pass all bye-laws and regulations, which may be necessary for
Their powers. the improvement and repairing of the streets of said town, and the preservation of the
Proviso. public good: *Provided nevertheless*, such bye-laws and regulations shall not be repug-
Proviso. nant to the constitution and laws of this state, and that no penalty thereby imposed shall
extend to corporeal punishment, except to people of colour: *And provided also*, That the
said commissioners shall not impose any fine upon the citizens of said town, which shall
exceed one dollar for each day's neglect in performing their duty, in working on the
streets and alleys, when called upon so to do by said commissioners.

SECT. 2. *And be it further enacted*, That the commissioners now in office shall be
entitled to hold their appointments until the first Saturday in January next, on which day
all the free white male persons, being citizens of said town, who are entitled to vote for
members in the state legislature, shall assemble at the court-house in said town, and by
ballot elect the present or other commissioners, who shall continue in office for one
year; at which election one justice of the peace or justice of the Inferior Court, and two
freeholders for said county shall preside.

Continuance in office of the present commissioners. An election of commissioners to take place on the 1st Saturday in January next. Who to preside thereat.

SECT. 3. *And be it further enacted*, That the said corporation shall extend to and
take all the town lots originally laid off in said town, and which may hereafter be laid off.

Limits of the corporation.

SECT. 4. *And be it further enacted*, That all fines imposed by said commissioners shall
be collected in the same manner and form as fines are collected for neglect of performing
labour on roads.

Fines, how collected.

SECT. 5. *And be it further enacted*, That said commissioners shall not be at liberty
to impose a higher tax on the inhabitants of said town, for town purposes, than one
dollar on each poll, for one year.

What tax may be imposed.

SECT. 6. *And be it further enacted*, That no person residing within the limits of said (No. 613.)
 corporation, subject to work on the streets of said town, shall be compelled to work on Residents
 any public road further than the extension of the town commons. within the cor-
 road labour beyond the town common. poration ex-
 empt from

SECT. 7. *And be it further enacted*, That all fines collected for neglect of performing Appropriation
 labour on the streets and alleys of said town, shall be applied in keeping the streets in of fines.
 repair, any law to the contrary notwithstanding.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

MARION.

AN ACT*

(No. 614.)

To regulate the town of Marion, in the county of Twiggs.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
 That Robert Cummings, James Spann, Thomas W. Harris, Martin Kolb and Henry Loyless, esquires, be, and they are hereby appointed commissioners of the said town of Marion; and they and their successors in office shall have full power and authority to make and ordain all such bye-laws and regulations, which they may deem necessary and proper for the government of said town, and keeping in repair the streets, and preservation of the public springs: *Provided*, such bye-laws and regulations shall not be repugnant to the laws and constitution of this state, and that no penalty thereby imposed shall extend to life or limb, or corporeal punishment of any white person: *And provided also*,
 Commissioners for the town of Marion, appointed. May make bye-laws, &c.
 Proviso.
 Proviso.

* See act of 1816, No. 615, incorporating this town.

(No. 614.) that the said commissioners shall not impose any poll tax upon the citizens of said town, which shall exceed one dollar on each poll, within the term of one year.

Continuance
in office of
said commis-
sioners.

Future elec-
tions, when to
take place.

Who shall pre-
side thereat.

Said commis-
sioners re-
eligible.

SECT. 2. *And be it further enacted*, That the said commissioners shall continue in office until the first Monday in January, in the year one thousand eight hundred and thirteen, at which time, and on the first Monday in January in every year thereafter, all the free white male citizens of said town, who have given in their taxable property, and are entitled to vote for members of the General Assembly, shall convene at the court-house in said town, and proceed to elect by ballot five commissioners, who shall continue in office for the term of one year; at which election any two justices of the Inferior Court, or justices of the peace of said county, who are not candidates, may preside.

SECT. 3. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to prevent the re-election of any commissioners herein appointed, or who may be elected in pursuance of this act.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 615.)

AN ACT

To incorporate the town of Marion, in the county of Twiggs, and to vest certain powers in the Commissioners thereof.

Commission-
ers of the
town of Mari-
on appointed.
Their powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That Henry M. Terrel, John Flemming, Martin Pitts, Lemuel P. Hargrave, and Moses Fort, be, and they are hereby appointed commissioners of said town; and they and their successors in office, or a majority of them, shall have full power and authority to pass all bye-laws and regulations which they may deem necessary, for the improvement and repair of the streets and roads within the limits of said corporation, for the preservation of good order, and all other corporate acts, which may be necessary for the comfort and

convenience of the citizens of said town : *Provided*, the same shall not be repugnant to (No. 615.)
the laws and constitution of this state, and that of the United States. Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said commissioners shall continue in office until the first Monday in February, in the year eighteen hundred and eighteen ; and on the first Monday in February in every year thereafter, the free male inhabitants of said town, who are entitled to vote for members of the General Assembly, shall convene at the court-house in said town, and by ballot elect commissioners, who shall continue in office for one year ; at which said election, one justice of the peace, and two freeholders of said county, not being themselves candidates, shall preside : *Provided*, that if the said election should, from accident or any other cause, not be held on the day pointed out by this act, the said commissioners whose time by this act may have expired may, by giving ten days notice, by public advertisement at the court-house door of said county of Twiggs, have an election holden for commissioners, to be conducted in the manner herein before pointed out.

Continuance in office of said commissioners.
Future elections of commissioners, when and how to take place.
Who shall preside thereat.
Proviso, in case an election should not be held on the day prescribed.

SECT. 3. *And be it further enacted*, That the said incorporation shall extend to and include all the tract of land originally purchased by the commissioners of Twiggs county, for a site for public buildings, together with all the land lying within four hundred yards of the court-house in said town.

Extent of the corporation.

SECT. 4. *And be it further enacted*, That the said commissioners shall have power to appoint all officers they may deem necessary for carrying the aforesaid powers into effect, and to fill all vacancies that may happen by death, resignation or otherwise, in their body.

Commissioners may appoint officers, and fill vacancies.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

ST. MARY'S.

(No. 616.)

AN ACT

To authorize the present Commissioners of the St. Mary's Lottery to appoint other Commissioners to fill up the vacancies which have been occasioned by removal of some, and refusal of others to serve.

Preamble.

WHEREAS, by removal of some of the commissioners of the St. Mary's lottery, and refusal of others to serve, the progress of the lottery is impeded; for remedy whereof,

Commissioners of St. Mary's lottery authorized to fill certain vacancies in their body.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the present commissioners of the St. Mary's lottery shall be, and they are hereby authorized and fully empowered to appoint other commissioners to fill up the vacancies which have been occasioned by the removal of some, and refusal of others of the commissioners first appointed to serve; and the person or persons so appointed to fill such vacancies shall be, and they are hereby invested with the same power and authority to proceed in the duties assigned them, as the former commissioners who were appointed by an act of the legislature of this state, passed the 7th of December, eighteen hundred and seven.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 13th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 617.)

To amend an act, entitled "An act to amend and revise An act to incorporate the town of St. Mary's, passed the 10th day of December, 1804."

WHEREAS, the powers of the intendant and council of St. Mary's, as assigned to them by the above recited act, in one respect are not clearly defined, or are not well understood: wherefore,

Preamble

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same;* That the intendant and council of the town of St. Mary's, are vested with the sole power to order and regulate the nightly guards and patroles within the limits of said town, at such times and in such manner as they, in their discretion, may judge expedient and necessary, for the security of the inhabitants and their property; and for the preservation of good order: also to determine and levy fines, for all violations of the rules and ordinances of the said intendant and council, for all defaults, or for any other offences against the ordinances of the said corporation.

The intendant and council of St. Mary's to regulate the guards and patroles within the limits of said town. May determine and levy fines.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of any law or parts of laws now in force, and which may be construed to militate against this act, be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 7th December, 1812.

D. B. MITCHELL, GOVERNOR.

WARRENTON.

(No. 618.)

AN ACT

To alter and amend an act, entitled An act to incorporate the town of Warrenton, in the county of Warren, and to vest certain powers in the commissioners thereof.

Extent of the town of Warrenton.
Qualification of voters for commissioners.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Warrenton shall extend four hundred yards in every direction from the court-house; and that all citizens who have resided six months in the said town, and are qualified to vote for members of the legislature, shall be entitled to vote for commissioners.

Powers of the commissioners of said town.

SECT. 2. *And be it further enacted,* That the said commissioners, or a majority of them, are hereby authorized and empowered to pass such bye-laws and ordinances, as they shall deem necessary for preserving the public property within the limits of the corporation, and improving the streets and public square, and also the lot containing the meeting-house and burying ground, removing nuisances, and preventing damages by fire; and for promoting order and morality: *Provided,* such bye-laws and ordinances shall not be repugnant to the constitution and laws of this state: *Provided nevertheless,* that nothing herein contained shall be so construed as to authorize said commissioners to inflict corporal punishment on any white person, or to deprive any slave or free person of colour, of life, limb or member.

Proviso.

Prov. so.

Said commissioners may appoint officers.

SECT. 3. *And be it further enacted by the authority aforesaid,* That said commissioners, or a majority of them, shall have power to appoint a clerk, constable, or marshal, and such other officers as they may deem necessary to carry into effect the purpose of the said incorporation; and the said commissioners shall be, *ex officio,* justices of the peace, so far as it respects the carrying into effect the said act of incorporation; and they may impose fines for contempts, issue execution for fines and penalties, and for taxes, which shall be collected by the said constable or marshal, in the same manner as executions from a justice's court, and shall be entitled to the same fees.

Their powers.

SECT. 4. *And be it further enacted,* That the said commissioners, and their successors (No. 618.) in office, are hereby authorized to tax the inhabitants of said town, to any amount not exceeding one half of their general tax in each year; and the said commissioners shall be capable of suing and being sued, in their corporate capacity, and shall have power to acquire, hold, and dispose of property, both real and personal, to be applied to the improving of said town, and promoting education in the town and its vicinity.

May tax the inhabitants of said town.

May sue and be sued.

May hold and dispose of property.

SECT. 5. *And be it further enacted,* That the said commissioners shall be elected on the first Monday in January next, and on the first Monday in January in every year thereafter.*

Time of their election.

SECT. 6. *And be it further enacted,* That all laws or parts of laws heretofore passed, which militate against this act, be, and the same are hereby repealed.

Repealing clause.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

* See the 2d sec. of the following act of 1816, as to the time of election.

(No. 619.)

AN ACT

To open and keep open the Streets and Alleys in the town of Warrenton, in the county of Warren, and for other purposes.

Obstructions in the streets and alleys in Warrenton to be removed. Persons placing, or suffering obstructions to remain therein, indictable for a nuisance.

SECT. 1. *BE it enacted by the Sénate and House of Representatives of the state of Georgia, in General Assembly met,* That from and after the first day of March, in the year of our Lord, eighteen hundred and seventeen, all obstructions, of what nature soever, that now are in the streets and alleys of the town of Warrenton, in the county of Warren, shall be removed; and all and every person or persons, who shall hereafter place any obstructions, or suffer those obstructions that now are in said streets and alleys, to remain after the day aforesaid, shall be deemed and considered as guilty of a nuisance, and be subject to indictment as such.

Commissioners to be elected annually, on the first Tuesday in January.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of an act, entitled An act to incorporate the town of Warrenton, and for other purposes, passed on the 8th day of December, eighteen hundred and ten, as appoints the first Monday in January in each year for the election of commissioners, be, and the same is hereby repealed; and the first Tuesday in January, in the year of our Lord, eighteen hundred and seventeen, and the first Tuesday in January in each year thereafter, be substituted in lieu thereof.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Sénate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

JEFFERSON.

AN ACT

(No. 620.)

To incorporate the town of Jefferson, in the county of Jackson.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas Hyde, Willis Pope, John Boyle, Peleg Rogers, and Robert Billups, esquires, shall be commissioners of said town, and that they, and their successors in office, shall have full power and authority to pass all bye-laws and regulations, which may be necessary for improving and repairing the public square, streets and springs of said town, and the promotion of public good: *Provided*, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state; and that no penalty thereby imposed, shall extend to corporal punishment, (except on slaves or persons of colour:) *And provided also*, that said commissioners shall not impose any poll tax upon the citizens of said town, which shall exceed one dollar, within the term of one year.

Commissioners of the town of Jefferson appointed.
May pass bye-laws, &c.

Proviso.

Proviso.

SECT. 2. *And be it further enacted*, That the said commissioners shall continue in office until the first Monday in January, eighteen hundred and fourteen; on which day, and on the first Monday in every January thereafter, all the free male white citizens of said town, who shall be entitled to vote for members of the General Assembly, shall assemble at the court-house of said county, and by ballot elect five other commissioners, who shall continue in office for one year; and in case it should so happen, that such elections should not be held on the days required by this act, that the said commissioners then in office shall continue until such election shall take place; at which election, any two justices of the peace for said county, not a candidate, shall preside: *Provided nevertheless*, that the said commissioners shall be re-eligible to said appointments.

Continuance in office.
Election of commissioners, when, and how to take place.

Who shall preside thereat.
Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 27th November, 1812.

D. B. MITCHELL, GOVERNOR.

SANDERSVILLE.

(No. 621.)

AN ACT*

To incorporate the town of Sandersville, in the county of Washington, and to vest certain powers in the Commissioners thereof.

Commission-
ers of Sanders-
ville appoint-
ed.
Their powers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That David Martin, Samuel Richmond, Simeon Rogers, John Mathews and Isham H. Saffold, be commissioners of said town; and they, and their successors in office, shall have full power and authority to pass all bye-laws and regulations, which may be necessary for the improvement and repairing of the streets of said town, and the preservation of the public good:*

Proviso. *Provided nevertheless, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state, and that no penalty thereby imposed shall extend*

Proviso. *to corporal punishment, except to people of colour: And provided also, that the said commissioners shall not impose any tax upon the citizens of the said town, which shall exceed one dollar on each poll, within the term of one year.*

Continuance
in office of the
said commis-
sioners.

Elections for
commission-
ers, when and
how to be
held.

Who shall pre-
side thereat.
Proviso.

SECT. 2. *And be it further enacted, That the said commissioners shall continue in office until the first Tuesday in January, one thousand eight hundred and fourteen; and on the first Tuesday in January in every year thereafter, on which day all free male citizens of the said town, who have given in their taxable property, and who are entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election two justices of the peace for the said county, not being candidates, shall preside: Provided nevertheless, that said commissioners shall be re-eligible to the said appointments.*

Extent of the
corporation.

SECT. 3. *And be it further enacted, That the said incorporation shall extend to, and take all the town lots that have been originally laid off in said town, and also shall com-*

* See act of 1817, No. 622, amendatory of this act.

prehend all the land within four hundred yards of the said court-house, it being the centre (No. 621.) of said corporation.

BENJAMIN WHITAKER,

Speaker of the House of Representatives

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,

Assented to, 27th November, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 622.)

To amend an act of eighteen hundred and twelve, to incorporate the town of Sandersville in the county of Washington, and to vest certain powers in the commissioners thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That Morgan Brown, Victory S. Townsley, George Kelly, William Rutherford and Shadrack Perry, be commissioners of said town; who shall have power to appoint one intendant; and that intendant and two commissioners shall constitute a board, and they and their successors in office shall have full power and authority to pass all bye-laws and regulations, which may be necessary for the improvement and repairing of the streets of said town, and the preservation of the public good: Provided nevertheless, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state, and that of the United States, and that no penalty thereby imposed shall extend to corporal punishment, except to people of colour: And provided also, that the said commissioners shall not impose any tax upon the citizens of said town which shall exceed one dollar on each poll, within the term of one year.*

Commissioners of Sandersville appointed.
Who shall appoint an intendant.
Their powers.
Proviso.
Proviso.

SECT. 2. *And be it further enacted, That the said commissioners shall continue in office until the first Saturday in May next; and on the first Saturday in May in every year thereafter, on which day all free male citizens of said town, and who are entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election two justices of the peace of said county, not being candidates, shall preside: Provided nevertheless, That said commissioners shall be re-eligible to the*

Continuance in office of said commissioners.
Election for commissioners, when and how to be held.
Proviso.

(No. 622.) said appointment; and in the event of the citizens of said town failing to elect commissioners on the day as above prescribed, that ten days notice, given by any justice of the Inferior Court of said county, for such an election, or to fill any vacancy of said commissioners, shall be valid.

Extent of the
incorporation.

SECT. 3. *And be it further enacted*, That the said incorporation shall extend to, and take in, all the town lots that have been originally laid off in said town, and shall comprehend all the land within four hundred yards of the said court-house, it being the centre of said corporation; any law to the contrary notwithstanding.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1817.

WILLIAM RABUN, GOVERNOR.

DUBLIN.

(No. 623.)

AN ACT

To incorporate the town of Dublin, in the county of Laurens, and to vest certain powers in the commissioners thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That Neal Morrow, Lewis Kennon, William Tolbert, Eli S. Shorter, and Henry Shepherd, be commissioners of said town, and they, and their successors in office, shall have full power and authority to pass all bye-laws and regulations, which may be necessary for the improvement and repairing of the streets of said town, and the preservation of the public good:

Commissioners for the town of Dublin appointed. Who may pass bye-laws, &c.

Provido. *Provided nevertheless*, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state, and that no penalty thereby imposed shall extend to corporal punishment, except to people of colour: *And provided also*, that the said commissioners shall not impose any tax upon the citizens of the said town, which shall exceed one dollar on each poll, within one year.

Provido.

SECT. 2. *And be it further enacted*, That the said commissioners shall continue in office until the first Monday in January, one thousand eight hundred and fourteen; and on the first Monday in January in every year thereafter, on which day all the free male citizens of said town, who have given in their taxable property, and who are entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election two justices of the peace for said county shall preside: *Provided nevertheless*, that said commissioners shall be re-eligible to the said appointment.

(No. 623.)
Continuance
in office of
said commis-
sioners.
Election for
commission-
ers, when and
how held.

Proviso.

SECT. 3. *And be it further enacted*, That the said incorporation shall extend to and include all the inhabitants living within two hundred and fifty yards of Broad-street, and within four hundred yards of the court-house, in the said town of Dublin.

Extent of the
incorporation.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 9th December, 1812.

D. B. MITCHELL, GOVERNOR.

WAYNESBOROUGH.

AN ACT

(No. 624.)

To incorporate the town of Waynesborough, in the county of Burke, and to vest certain powers in the Commissioners thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That Alexander Carter, Isaiah Carter, George Poythress, William Stone, and Jeremiah W. Williams, and their successors in office be, and a majority of them are hereby authorized and empowered to pass all such bye-laws and regulations as they shall deem necessary for preserving the public property within the limits of the incorporation, and improving the streets and public squares in the said town, removing nuisances, and preventing da-

Commission-
ers for the
town of
Wayesbo-
rough ap-
pointed.
Who may pass
bye-laws, &c.

(No. 624.) mages by fire, and for promoting order and morality: *Provided*, such bye-laws and ordinances shall not be repugnant to the constitution and laws of this state: *Provided nevertheless*, that nothing herein contained shall be so construed as to authorize said commissioners to inflict corporal punishment on any white person, or to deprive any slave, or free person of colour, of life, limb or member.

Future commissioners, their number, and the time of electing them.

Who shall vote, and who shall preside at the election. Continuance in office. Proviso.

Said commissioners may appoint officers.

Their powers with regard to fines, penalties and taxes.

What tax they may impose.

Further powers.

Said commissioners to be a separate and distinct body from the trustees of the academy.

May tax retailers of spirituous liquors, also public shows.

SECT. 2. **And be it further enacted*, That five commissioners for the said town of Waynesborough shall in future be elected annually, on the second Monday in January, by the free male white citizens thereof, who shall have given in their taxable property, and who shall be at that time entitled to vote for members of the General Assembly; at which election any two justices of the peace of the county shall preside; and the commissioners so elected shall continue in office until the ensuing election, or until their successors are appointed: *Provided*, the said commissioners may be re-elected.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said commissioners, or a majority of them, shall have power to appoint a clerk, marshal, and such other officers as they may deem necessary to carry into effect all proceedings which they may adopt under the authority of this act; and the said commissioners shall be, *ex officio*, justices of the peace, so far as respects the carrying into effect the said act of incorporation; and they may impose fines for contempts, issue executions for fines and penalties, and for taxes, which shall be collected by the said marshal, in the same manner as executions from a justice's court, and shall be entitled to the same fees.

SECT. 4. *And be it further enacted*, That the said commissioners, and their successors in office, are hereby authorized to tax the inhabitants of said town, to any amount not exceeding one-eighth of their general tax in each year; and the said commissioners shall be capable of suing and being sued in their corporate capacity; and shall have power to acquire, hold, and dispose of property, both real and personal, to be applied to the improvement of said town.

SECT. 5. *And be it further enacted*, That the said commissioners shall be a separate and distinct body from the trustees of the academy of said town and county; and the said commissioners shall have power to assess and levy a tax on all retailers of spirituous liquors within the incorporated limits of the said town of Waynesborough, not exceeding the amount of the one half part of what is imposed by law for a license to retail such spirituous liquors; and shall likewise have power to exact a tax on all public

* This section amended by act of 1816, No. 627.

shows, which may be at any time exhibited or exposed to view for money, within the (No. 624.) said town.

SECT. 6. *And be it further enacted,* That the said commissioners shall, on application, deliver to the board of trustees of the academy of the said town, and county of Burke, all monies, bonds, notes or other evidences of debts, belonging or appertaining to the said institution, which are or may be in their hands, at the time the same may be required by such trustees: and further, that the said commissioners shall likewise, on the application of the said board of trustees, lay off and sell any number of one-acre lots, out of the reserved land belonging to the said town, or common thereof, adjoining those already laid off, and make titles to the purchasers, upon payment being made for the same; and the monies arising from the sale of said lots, shall be paid over by the said commissioners into the hands of the trustees of the academy, to be by them appropriated for the benefit of the institution.

Must deliver to the trustees of said academy, all monies, &c. belonging to said institution.

The commissioners, upon application of the said board of trustees, shall lay off, sell, and convey any number of lots, out of the reserved land of said town, and pay

over to the said trustees the money arising from the sale thereof.

SECT. 7. *And be it further enacted,* That the jurisdiction of the said incorporation shall extend to and comprehend the said town, and the reserved lands or commons belonging thereto.

Jurisdiction of said incorporation.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA,

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 625.)

AN ACT*

To quiet and confirm the Titles of persons who have purchased Lots from and under the Commissioners of the Town or Academy of Waynesborough, in the county of Burke, and for other purposes.

Preamble.

WHEREAS, it has been represented to this General Assembly, that the lot-holders and persons owning lots in the town of Waynesborough, in the county of Burke, are likely to be disturbed in their titles to, and possession of lots in the said town, by reason of there being no grant in existence from the state of Georgia, for the land whereon the said town of Waynesborough is situate. And whereas, it appears by the 11th section of an act of the General Assembly of this state, passed at Augusta, the 31st July, 1783, entitled "An act for laying out the reserved land in the town of Augusta into acre lots, the erecting of an academy or seminary of learning, and for other purposes therein mentioned," that Thomas Lewis, senior, Thomas Lewis, junior, John Duhart, Edward Telfair and John Jones, were appointed commissioners for laying out a town, in the reserve of public land in the county of Burke, into acre lots, and disposing of the same at public outcry, and the monies arising therefrom to be applied to the purpose of erecting the necessary public buildings in said town, to be known by the name of Waynesborough: And it being represented that the said commissioners, or their successors in office, did lay out a town, in pursuance of the before recited section, on a tract of land belonging to the public, in the county of Burke, which tract of land was at that time bounded east and south-east, by lands of John Thomas and Josiah Allday; north-west, by land of John Robinson; and westwardly, in part, by Robert Miller; and did proceed to sell lots accordingly: And it appearing manifestly unjust and oppressive, that persons purchasing of those commissioners, or their successors in office, or those claiming under such purchasers, should, at this late day, be disturbed in their titles to the lots in said town: For remedy whereof,

Certain titles
to lots in the
town of
Waynesbo-
rough made
valid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all titles to lots in the said town of Waynesborough, in the county of Burke, derived from and under the commissioners of said town, or the commissioners of the Waynesborough academy, in the county of Burke, be, and the same are hereby declared to be as good and valid in law and equity, as if the land upon which the said town is situate had*

* This act explained by act of 1814, No. 626.

been regularly granted by the state of Georgia ; and the persons claiming, or to claim, (No. 625.) under or by virtue of any sale, from the commissioners aforesaid, shall have, and they are hereby declared to have, as good right and title to the lots in the said town of Waynesborough, as if the said land had been granted as aforesaid : *Provided*, nothing herein contained shall be so construed as to defeat the title or claim of any person or persons, who shall have fairly and regularly obtained a grant from the state of Georgia, for any lot or lots in the said town of Waynesborough, prior to any sale by the commissioners of said town, as aforesaid.

Proviso.

And to prevent all future disputes, in relation to the titles of the commissioners of the said town or academy of Waynesborough, in the county of Burke, or persons claiming or to claim under them, or their successors in office ;

Preamble to section 2d.

SECT. 2. *Be it enacted by the authority aforesaid*, That all that tract of land herein before described, and whereon the town of Waynesborough is situate, which has not heretofore been disposed of by the commissioners of the town of Waynesborough, or commissioners of the academy of Burke county, be, and the same is hereby declared to be vested in the present commissioners of the town or academy of Waynesborough, in the county of Burke, and their successors in office, for public purposes, and for carrying into effect so much of the before recited act as appertains to the town of Waynesborough and the public buildings in said town, according to the true intent and meaning of said act, as fully and completely as if a grant had been regularly obtained therefor : *Provided*, nothing herein contained shall operate or be so construed as to affect the claim of any person or persons having a fair and regular title, derived under a grant from the state of Georgia, for any of the before described tract of land.

All of the tract of land whereon Waynesborough is situate, which has not been hitherto disposed of by the commissioners of said town, or commissioners of the academy of Burke county, vested in the present commissioners of said town, or academy, for certain purposes. Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That all title-deeds for lots in the said town of Waynesborough, derived from the commissioners of the said town, or trustees of the academy of Burke county, shall be admitted as evidence in the Superior Courts of this state, without requiring the production of a grant from the state for the land described in such deeds, any law, usage or custom to the contrary notwithstanding.

Title-deeds for lots in said town, admissible evidence, without requiring the production of a grant.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

(No. 626.)

AN ACT

To explain certain parts of an act, entitled "An act to quiet and confirm the Titles of persons who have purchased Lots from and under the Commissioners of the Town or Academy of Waynesborough, in the county of Burke, and for other purposes," passed at Milledgeville, 6th December, 1813.

The recited act explained, with regard to the title of the commissioners of the town of Waynesborough, or the trustees of Waynesborough academy, to any lot, &c. in said town; &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That nothing contained in the before recited act, or in the provisos to the first and second sections thereof, was intended in the slightest manner to impair the title of the commissioners of the town of Waynesborough, or the trustees of the Waynesborough academy, to any lot or parcel of land not previously conveyed by them, embraced within the Waynesborough township line, as laid out by the commissioners under and by virtue of an act, entitled "An act for laying out the reserved land in the town of Augusta into one-acre lots, the erecting of an academy or seminary of learning, and for other purposes therein mentioned," passed at Augusta, 31st July, 1783: But it was intended to leave all disputes between said commissioners or trustees and other persons, in relation to the said land, or any part of it, upon the same footing that they were prior to the passing of the act of which this is explanatory.*

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 627.)

To amend the second section of an act, entitled An act to incorporate the town of Waynesborough, in Burke county, and to vest certain powers in the Commissioners thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* five commissioners for the said town of Waynesborough shall, in future, be elected annually, on the second Monday in January, by the free male white citizens thereof, who shall have given in their taxable property, and who shall be at that time entitled to vote for members of the General Assembly; at which election any one justice of the Inferior Court or justice of the peace of the county, and two freeholders, shall preside; and the commissioners so elected shall continue in office one year. In case no election shall be held on the day as pointed out by this act, then it shall be lawful for any two or more justices of the Inferior Court to appoint a day for holding of said election, first giving twenty days public notice of the same; and the commissioners so elected shall continue in office until the second Monday in January following.

Number of commissioners for Waynesborough.
Time of their election.

Who shall preside thereat.

What to be done in case no election be held on the day prescribed in this act.

SECT. 2. *And be it further enacted, That so much of the aforementioned act as militates against this act be, and the same is hereby repealed.*

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, GOVERNOR.

MILLEDGEVILLE.

(No. 628.)

AN ACT*

To amend An act to appoint Commissioners for the better regulation and government of the town of Milledgeville, passed the 15th day of December, 1810.

Who may vote for commissioners of Milledgeville. SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That all persons residing in the town of Milledgeville, entitled to vote for members of the General Assembly, shall be entitled to vote for commissioners of said town.

Said town divided into two wards. SECT. 2. *And be it further enacted,* That the town of Milledgeville shall be divided into two wards, in the following manner, to wit: all that part of said town south of Washington-street, shall be known by ward No. 1, and all that part lying north of Washington-street, shall be known by ward No. 2; and the electors in each ward shall meet at some convenient place within their respective wards, on the first Monday in January next, and on the first Monday in January in every year thereafter, and, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, proceed, by ballot, to elect two persons as commissioners for each ward, and one fit and proper person as intendant; which said commissioners and intendant, before they enter upon the duties of their office, shall take and subscribe the following oath, viz: I, A. B. do solemnly swear, or affirm, that I will to the utmost of my power, perform the duties required of me as commissioner, or intendant, of the town of Milledgeville; so help me God.

Two commissioners for each ward, when and how to be elected.

One intendant to be elected also.

Oath of said commissioners and intendant.

Who shall preside at such election, &c. SECT. 3. *And be it further enacted,* That three freeholders shall preside at the afore-said elections, whose duty it shall be to give ten days public notice of the place of holding said elections, and shall certify from under their hands the persons so elected.

Powers of the said intendant and commissioners. SECT. 4. *And be it further enacted,* That the intendant and commissioners shall have power, from time to time, to make and establish such bye-laws, rules and ordinances,

* This act amended by act of 1815, No. 631. The powers of the commissioners extended by act of 1813, No. 630. But see act of 1818, No. 633, to amend and consolidate the several acts for the better regulation and government of the town.

respecting the streets, public springs, roads, markets, public houses, carriages, waggons, (No. 628.) carts and drays, pumps, buckets, fire engines, disorderly persons, free negroes and slaves, and for the preservation of good order within the town, for preventing illicit traffic between slaves and shop-keepers, and for compelling a due observance of the Sabbath; and to appoint the necessary officers for carrying such ordinances into effect, and to affix and levy fines for all offences committed against the bye-laws of the said town: *Provided*, Proviso such bye-laws and ordinances shall not be repugnant to the constitution and laws of this state: *And provided also*, that it shall not be lawful for said commissioners to assess or Proviso levy any tax whatsoever on the inhabitants of said town, exceeding the one-eighth of their general tax.

SECT. 5. *And be it further enacted*, That all laws and parts of laws which militate Repealing clause. against this act be, and they are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 629.)

To authorize the Commissioners of the town of Milledgeville to lay off and lease four acres of Land to Overoff Jordan.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That the commissioners of the town of Milledgeville are hereby authorized and required to lay off four acres of land of the town common, and lease the same to Overoff Jordan for the term of ten years, so as to include the cabins where the said Jordan now lives.

Commissioners of Milledgeville authorized to lay off and lease four acres of land to Overoff Jordan.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 9th December, 1812.

D. B. MITCHELL, GOVERNOR.

(No. 630.)

AN ACT

To extend the powers of the Commissioners of the town of Milledgeville.

Commissioners of Milledgeville authorized to let or lease any part of the town commons, where the timber is exhausted, for any term not exceeding 3 years.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the town of Milledgeville shall have power to let or lease to any of the lot-holders of said town any part of the commons of said town, where the timber is exhausted, for a term in their discretion, not exceeding three years, for the purpose of having the same cleared of the undergrowth and put in a state of cultivation, to be delivered over to the said commissioners, or their successors in office, under a good enclosure, at the expiration of the time for which the same may have been let or leased.*

May pass bye-laws to prevent the waste of timber on the commons. Proviso.

SECT. 2. *And be it further enacted, That the commissioners aforesaid shall have power to make and establish any bye-laws or ordinances, which they may deem necessary to prevent the extravagant waste of timber on the commons of the town aforesaid: Provided, such bye-laws or ordinances shall not be repugnant to the constitution and laws of this state.*

Repealing clause.

SECT. 3. *And be it further enacted, That all laws and parts of laws which militate against this act be, and the same are hereby repealed.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT*

(No. 631.)

To amend An act to appoint Commissioners for the better regulation and government of the town of Milledgeville, passed the 10th day of December, 1812.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met; and it is hereby enacted by the authority of the same,* That all persons living within the town of Milledgeville, entitled to vote for members of the General Assembly, shall be entitled to vote for commissioners and intendant of said town. Who may vote for intendant and commissioners of Milledgeville.

SECT. 2. *And be it further enacted,* That the town of Milledgeville shall be divided into four wards, to wit: the intersection of Washington and Jefferson streets, forming the town into four divisions, shall constitute said wards, which shall be known and designated as follows: the north-western division, ward No. 1; the north-eastern division, ward No. 2; the south-eastern division, ward No. 3; and the south-western division, ward No. 4. Said town divided into four wards.

SECT. 3. *And be it further enacted,* That the inhabitants entitled to vote as aforesaid shall meet at the court-house in said town, on the first Saturday in January next, and on the first Saturday in every January thereafter, and between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, proceed to elect by ballot one commissioner for each ward, and an intendant of said town: *Provided,* that no person shall be elected a commissioner for any ward, unless he actually resides within the ward for which he shall be elected; and if any commissioner shall remove from the ward for which he is elected, or shall die or resign, it shall be the duty of the remaining commissioners and intendant to appoint some other person, residing within the ward in which a vacancy shall so happen, to fill such vacancy for the balance of the year. One commissioner for each ward and an intendant, when and how to be elected.
Proviso.
Vacancies, how filled.

SECT. 4. *And be it further enacted,* That it shall be the duty of the commissioners of said town, now in office, to give at least three days notice in the newspapers of Milledgeville, of the election to be holden the first Saturday in January next, as herein before expressed; and similar notice shall be given by the commissioners, who may be then in office, of every subsequent election. The present commissioners to give 3 days notice of the next election.
Similar notice of all subsequent elections to be given.

* See act of 1818, No. 633.

(No. 631.) SECT. 5. *And be it further enacted*, That three freeholders shall superintend said election, and shall certify, from under their hands, the persons so elected ; and the said commissioners and intendant so elected shall, before they enter on the duties of their office, take and subscribe the following oath, viz : I, A. B. do solemnly swear or affirm, (as the case may be,) that I will, to the utmost of my power, perform the duties required of me as intendant or commissioner of the town of Milledgeville ; so help me God.

Powers of said
intendant and
commission-
ers.

SECT. 6. *And be it further enacted*, That the intendant and commissioners shall have power to lease, for one year at a time, the fisheries and cleared lands on the commons of said town ; to pass such bye-laws and ordinances as they shall deem necessary and proper, for the better regulation of the market, for keeping the streets and public roads in repair, for the preservation of the public springs, pumps, wells, fire-engines, and good order among disorderly persons, free negroes and slaves ; and for preventing illicit traffic between slaves and shopkeepers ; and to appoint the necessary officers for carrying such bye-laws and ordinances into effect ; and to affix and levy fines for all offences committed against the bye-laws of said town : *Provided*, such bye-laws and ordinances shall not be repugnant to the constitution and laws of this state.

Their power
of taxation.

SECT. 7. *And be it further enacted*, That the said intendant and commissioners shall have power to assess and levy a tax on the inhabitants of said town, which shall not exceed the one-fourth of their general tax, and shall apply the same to keeping the streets in good repair.

Repealing
clause.

SECT. 8. *And be it further enacted*, That all laws and parts of laws which militate against this act be, and they are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 632.)

To authorize the Commissioners of the town of Milledgeville to lease one acre of Land of the Town Commons.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, the commissioners of the town of Milledgeville are hereby authorized to lease, to the highest bidder, one acre of land belonging to the town commons, opposite John Troutman's mill, for the term of seven years: Provided nevertheless, that the said lessee do not suffer any nuisance to remain on the premises, that the said commissioners might think would endanger the health of the citizens of Milledgeville or its vicinity.*

Commissioners of the town of Milledgeville authorized to lease an acre of the town commons, opposite Troutman's mill.
Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 633.)

To amend and consolidate the several acts for the better regulation and government of the town of Milledgeville.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all persons residing within the town of Milledgeville, entitled to vote for members of the legislature, shall be entitled to vote for commissioners and intendant of said town.*

Who may vote for intendant and commissioners of Milledgeville.

* See act of 1819, No. 635, relative to bridges within the corporate limits of the town; also act of 1819, No. 636, vesting in the commissioners a certain square, to be used as a place of public interment.

(No. 633.) SAID TOWN DIVIDED INTO FOUR WARDS. SECT. 2. *And be it further enacted*, That the town of Milledgeville shall be divided into four wards, to wit: the intersection of Washington and Jefferson streets, forming the town into four divisions, shall constitute said wards, which shall be known and designated as follows: the north-western division, ward No. 1; the north-eastern division, ward No. 2; the south-eastern division, ward No. 3; and the south-western division, ward No. 4.

One commissioner for each ward and the said intendant, when and how to be elected.

Proviso.

Vacancies, how filled.

General powers and authority of said intendant and commissioners.

May sue and be sued, &c.

May make bye-laws, &c.

Their power of taxation.

May impose fines, &c.

And appoint necessary officers.

Proviso.

SECT. 3. *And be it further enacted*, That the inhabitants entitled to vote as aforesaid, shall meet at the court-house in said town, on the first Saturday in January next, and on the first Saturday in every January thereafter, and between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, proceed to elect by ballot one commissioner for each ward, and an intendant of said town: *Provided*, that no person shall be elected a commissioner for any ward, unless he actually resides within the ward for which he shall be elected; and if any commissioner shall remove from the ward for which he is elected, or shall die or resign, it shall be the duty of the remaining commissioners and intendant to appoint some other person, residing within the ward in which a vacancy shall so happen, to fill such vacancy for the balance of the year; and the commissioners of said town shall have perpetual succession, and shall be capable to purchase, have, hold, receive, enjoy, possess and retain, to them and their successors, for the use of the town of Milledgeville, in perpetuity, or for any term of years, any estate or estates, real or personal, messuage, lands, tenements, hereditaments, of whatever nature or kind soever, within the limits of the tract of land appropriated and laid off for said town, and alien, exchange or lease the same, or any part thereof, as they shall or may think proper; and by the style of the corporation of Milledgeville, to sue and be sued, to plead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and they shall be empowered, from time to time, to make and establish such bye-laws, rules and ordinances as they may deem expedient, respecting the streets of the town, market, public houses, carriages, waggons, carts, drays, pumps, buckets, fire-engines, intruders on the common, renting the cleared land and fisheries, not exceeding five years; the extravagant waste of timber on the common, the care of the poor, the regulations of negroes and disorderly persons, and in general any other bye-laws and regulations that shall appear to them requisite or necessary, for the security, welfare and convenience of said town, or for preserving peace, order, and good government within the same: and the intendant and commissioners shall also be vested with full power and authority, to make such assessments on the inhabitants of said town and commons, as shall appear to them expedient; and to affix and levy fines for all offences committed against the bye-laws of said town; and are hereby authorized to appoint such officers as they may deem necessary to carry the same into execution; and to affix the salaries and fees of such officers: *Provided*, nothing herein contained, shall authorize

the commissioners to make any bye-laws repugnant to the laws and constitution of this (No. 633.) state, or of the United States.

SECT. 4. *And be it further enacted*, That it shall be the duty of the commissioners of said town, now in office, to give at least three days notice, in the newspapers of Milledgeville, of the election, to be holden the first Saturday in January next, as herein before expressed; and similar notice shall be given by the commissioners, who may be then in office, of every subsequent election.

Present commissioners to give three days notice of the next election.

Similar notice of every subsequent election to be given.

Who shall superintend said election.

SECT. 5. *And be it further enacted*, That three freeholders shall superintend said election, and shall certify from under their hands the persons so elected; and the said commissioners and intendant so elected shall, before they enter on the duties of their office, take and subscribe the following oath, viz. "I, A. B. do solemnly swear, or affirm, (as the case may be,) that I will, to the utmost of my power, perform the duties required of me as intendant, or commissioner of the town of Milledgeville; so help me God."

Oath of said commissioners and intendant.

SECT. 6. *And be it further enacted*, That all laws or parts of laws which militate against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 634.)

AN ACT

To authorize the Commissioners of the town of Milledgeville to lease to Jane Rucker, the Lot on the Town Common which she now occupies, for the term of ten years after her present lease expires.

Commission-
ers of Mil-
ledgeville au-
thorized to
lease to Jane
Rucker the
lot which she
now occupies.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Milledgeville be authorized, and they are hereby vested with power to lease unto Jane Rucker, the lot on the town common of Milledgeville, which she now occupies, not exceeding ten years, commencing from the date of the expiration of her present lease; and that said Jane Rucker hold and enjoy free, full, and undisturbed possession of said lot of land, with its appurtenances, for and during the aforesaid term of ten years, free of rent or charge; any law to the contrary notwithstanding: *Provided nevertheless,* that nothing herein contained shall be so construed as to permit the aforesaid Jane to lease, rent, or dispose of the above described premises in any other manner, or for any other purpose, but the personal use and accommodation of herself and her family, during her lifetime.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 635.)

To amend and consolidate the several acts for the better regulation and government of the town of Milledgeville, passed the nineteenth day of December, 1818.

WHEREAS, doubts have arisen whether the expense of erecting and keeping in repair the several bridges over Fishing creek, within the corporate limits of Milledgeville, should be paid by the said corporation, or by the county of Baldwin: And whereas, the said corporation is entitled to receive certain profits arising from the rent of town commons, fisheries, &c. creating a fund separate and apart from the county fund, it is but just and reasonable that the said corporation should keep the bridges in repair within the limits of the same, without any expense attached to the county for the same: therefore,

Preamble

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of the intendant and commissioners of the town of Milledgeville to have erected or repaired, (when the same may be necessary,) any bridge or bridges, over any creek within the corporate limits of said town, on the most favourable terms for said corporation they may be able to contract; and the expense of erecting and keeping in repair the said bridge or bridges shall be paid by said corporation, any law, usage or custom to the contrary notwithstanding.

The intendant and commissioners of Milledgeville compelled to erect and keep in repair all bridges across any creek within the limits of the corporation.

SECT. 2. *And be it further enacted,* That all laws or parts of laws that militate against this act be, and the same are hereby repealed.

Repealing clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

(No. 636.)

AN ACT

To convey to the Commissioners of Milledgeville the square of said town, known as a reserve for public uses.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*

The square of Milledgeville, known as a reserve for public uses, vested in the commissioners of said town, as a place of public interment.

That from and after the passage of this act, the square of Milledgeville, known as a reserve for public uses, and now used as a public burying ground, shall be, and it is hereby conveyed to the commissioners of the town of Milledgeville, their successors in office, or other legal representatives of the corporation of said town: the said square to be held by them as a place of public interment, and so disposed of by them as to be rendered convenient for this purpose; and the above named commissioners are hereby vested with full power and authority to carry this law into effect, according to the spirit and meaning thereof.

Said square not to be sold.

SECT. 2. *And be it further enacted by the authority aforesaid,* That there shall be nothing in this act so construed, as to authorize the corporation or intendant of Milledgeville to sell any part or parts thereof; and that it shall be known as the public burial ground; and the rents of any part thereof, which may not be employed as above stated, shall be applied to repairs of said burial ground.

Rents of any part thereof appropriated.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 22d December, 1819.

JOHN CLARK, GOVERNOR.

SUMPTERVILLE.

AN ACT

(No. 637.)

*For the relief of Purchasers of Lots in the town of Sumpterville, in Laurens county.**

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the justices of the Inferior Court of the county of Laurens, or their successors in office, are hereby authorized to pay over to the purchasers of lots in the town of Sumpterville, all such sums of money as may have been paid by them to the Inferior Court of said county, on account of such purchase; and to deliver up to said purchasers all their notes or bonds, that may have been given them on account of said lots, on the said purchasers cancelling or relinquishing their titles to the same.

Inferior Court of Laurens county authorized to pay over to the purchasers of lots in Sumpterville, all monies paid on account of said lots; and to deliver all notes, &c. given therefor.

SECT. 2. *And be it further enacted,* That the justices of the Inferior Court, or a majority of them, are hereby authorized to dispose of the square of land belonging to said county, at the place called Sumpterville, on such terms and in such manner as they may think expedient, and, out of the first proceeds of said sale, to pay over to the purchasers of lots as aforesaid the several sums of money so paid by them, and the balance applied to the benefit of the said county.

Said Court authorized to dispose of said square of land, at the place called Sumpterville.

SECT. 3. *And be it further enacted,* That all laws and parts of laws that militate against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 10th December, 1812.

D. B. MITCHELL, GOVERNOR.

* See the next act on the same subject.

(No. 638.)

AN ACT

To relieve the purchasers of Lots in the Town of Sumpterville.

Inferior Court
of Laurens
county autho-
rized to repay
to the pur-
chasers of lots
in Sumpter-
ville, all mo-
nies paid on
account of
said lots, with
interest, &c.
and to re-de-
liver to said
purchasers
their notes,
&c.

Said court
may dispose
of said square
of land.

Repealing
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the justices of the Inferior Court of the county of Laurens, or their successors in office, are hereby authorized to pay over to the purchasers of lots in the town of Sumpterville, all such sums of money as may have been paid by the said purchasers to the Inferior Court of said county, on account of such purchases, with interest from the time said money was received until paid to said purchasers, out of any of the county funds not otherwise appropriated, and to deliver up to the said purchasers all their notes or bonds that may have been given them on account of said lots, on the said purchasers giving up their titles to said lots.

SECT. 2. *And be it further enacted,* That the justices of the Inferior Court, or a majority of them, are hereby authorized to dispose of the square of land belonging to said county, at the place called Sumpterville, on such terms and in such manner as they, or a majority of them, may think expedient, and that it shall be the duty of the said justices to pay over to the clerk of the Inferior Court the proceeds of such sales, for county purposes.

SECT. 3. *And be it further enacted,* That all laws and parts of laws that militate against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

LOUISVILLE.

AN ACT

(No. 639.)

To sell and dispose of the State-house, Lot and Public Square, in the town of Louisville.

SECT. 1: *BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority aforesaid, That his excellency the Governor be, and he is hereby authorized to empower one or more proper persons to sell and dispose of the state-house in Louisville, together with the lots or public square belonging to the state, to the highest bidder, taking bond and approved security from the purchaser, payable in three equal annual instalments, first giving public notice, in two or more of the public gazettes of this state, at least sixty days previous to the sale thereof.*

A sale of the state-house and public square in Louisville authorized.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 640.)

To quiet and confirm the Titles of the Lot-holders in the town of Louisville, and for other purposes.

WHEREAS, the lot-holders in the town of Louisville have, by their memorial, set forth, that during the revolutionary struggle many of the public records of this state, of great importance, were lost or destroyed, and that the original record of the plat of land granted to David Russel, whereon the town of Louisville is now situated, cannot be found, and without which the said tract of land cannot be identified; and moreover that the plat and grant delivered to the original grantee, David Russel, and the interme-

Preamble.

(No. 640.) diate conveyance from David Russel to Roger Lawson, during the revolutionary war, were either lost or destroyed, and no record of any of them, except the record of the original grant, can be found in any of the offices where it is most likely they would have been recorded: And whereas, for the want of those necessary evidences of title, no lot-holder in the town of Louisville, according to the strict rules of law, can maintain an action for the recovery of his property against him who should unlawfully have gotten, and keeps the possession of the same: for remedy whereof, and in order that the real and *bona fide* owners of property, in the said town of Louisville, may be quieted and secured in the just possession of their property;

In actions for the recovery of lots in the town of Louisville, titles how deducible.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, that in all actions for the recovery of lots of land in the said town of Louisville, the parties to the action shall not be required to go further back, in deducing title, than to the title from Roger Lawson and wife to the commissioners of said town: Provided, nothing herein contained shall operate or be so construed as to affect the claim of any person or persons having a fair and regular title, derived under a grant from the state of Georgia, for any of the before described tract of land.*

Repealing clause.

SECT. 2. *And be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this act be, and the same are hereby repealed.*

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 641.)

To be entitled An act to amend An act, passed the 31st January, 1798, for the regulation of the town of Louisville, in the county of Jefferson.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners for the town of Louisville appointed.
from and after the passing of this act Michael Shellman, Thomas Hancock, William N. Harmon, William Schley and Ambrose Wright be, and they are hereby appointed commissioners of the town of Louisville, in the county of Jefferson.

SECT. 2. *And be it further enacted, That the said commissioners, or a majority of* Their powers.
them, be, and they are hereby vested with full power and authority to make such bye-laws, rules and regulations, and to inflict or impose such fines and penalties, as to them shall seem right, for the better regulation of the town aforesaid and the commons thereof: Provided, such bye-laws and regulations be not repugnant to the laws and constitution Proviso.
of this state.

SECT. 3. *And be it further enacted, That the said commissioners shall continue in* Continuance in office of said commissioners.
office until the second Monday in January, eighteen hundred and nineteen; on which day, and on the second Monday in every year thereafter, the free male white citizens of said town, who are entitled to vote for members of the General Assembly, are hereby Election, when and how to be held.
authorized to assemble at the court-house of said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election one justice of the Inferior Court or justice of the peace, and two freeholders of said county shall preside: Provided nevertheless, that said commissioners shall be re-eligible to said appointments. Proviso.

SECT. 4. *And be it further enacted, That all acts militating against this act be, and* Repealing clause.
the same are hereby repealed.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

* Amended by act of 1818, No. 642.

(No. 642.)

AN ACT*

To amend an act, passed on the 31st January, 1798, for the regulation of the Town of Louisville, in the county of Jefferson, and an act amendatory thereof, passed on the 19th December, 1817.

Commissioners of Louisville to elect a chairman of their board.
Style of said board.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the town of Louisville shall annually, on the third Monday in January, elect by ballot one of their body to be the chairman of the board ; which board shall be a body corporate, and known by the name and style of " The chairman and commissioners of the town of Louisville."*

Their powers.
Proviso.

SECT. 2. *And be it further enacted, That the chairman and commissioners aforesaid, or a majority of them, shall have full power and authority to pass such bye-laws, ordinances and regulations, as they may deem necessary for imposing and collecting an annual poll tax upon the citizens of said town : Provided, such poll tax shall not exceed one dollar on each and every person liable by law to pay a poll tax ; and also the sum of twelve and one half cents on every hundred dollars worth of property subject to taxation by the laws of this state.*

Said board may pass bye-laws to compel the inhabitants of said town to make a return on oath of their taxable property.
Tax on defaulters, how assessed.
Penalty for defaults.

SECT. 3. *And be it further enacted, That the said chairman and commissioners, or a majority of them, shall have full power and authority to pass such law or ordinance as they may deem necessary, to require and compel the citizens of said town to make a return on oath, to such officer as they may appoint to receive the amount of taxable property by each of them owned or held in said town ; which oath shall be laid down and prescribed by the said chairman and commissioners ; and in case any citizens shall refuse to make such return on oath, when called on for that purpose by the proper officer, then, and in that case, such defaulter shall be liable to pay such tax as may be assessed by the chairman and commissioners aforesaid, from the best source of information they can obtain, with an addition of fifty per cent. on the amount of such tax, for such default or refusal.*

Said board may tax showmen and pedlars.

SECT. 4. *And be it further enacted, That the said chairman and commissioners shall have power and authority to make laws and ordinances, for imposing a tax on all*

* Amended by act of 1819, No. 643, which also repeals the first section of the present act.

pedlars and showmen, who shall sell or exhibit within the limits of said town : *Provided*, (No. 642.)
said tax shall not exceed five dollars on each day's sale or exhibition. Proviso.

SECT. 5. *And be it further enacted*, That the said chairman and commissioners shall Further powers.
have full power to pass such bye-laws and ordinances, as they may deem necessary and
proper, for suppressing vice and indecency, and shall have power to fine and impri-
son any person or persons, for a violation of any or all of the said laws and ordinances :
Provided, that no fine imposed by them shall exceed the sum of twenty dollars, and no Proviso.
term of imprisonment shall exceed ten days.

SECT. 6. *And be it further enacted*, That the chairman, or any one of the commis- Said chairman,
or any com-
missioner, may
issue warrants
in certain ca-
ses.
sioners, shall have power, on complaint made to him of the violation of any law or
ordinance, to issue a warrant, under his hand and seal, to apprehend the offender, and
bring him before the board ; which said board, or a majority of them, shall have power
to try the offender, according to the rules of law and evidence of force in the several And try of-
fenders.
courts of law in this state ; and if found guilty, to impose such fine as by the said law
or ordinance is ordained and established.

SECT. 7. *And be it further enacted*, That all monies arising from the aforesaid taxes, Appropriation
of the taxes,
fines and for-
feitures.
and from fines and forfeitures, after defraying the necessary expenses incident to the
levying and collecting the same, shall be, by the said chairman and commissioners, ap-
plied for the improvement of said town, in such manner as the said chairman and com-
missioners may deem most advantageous.

SECT. 8. *And be it further enacted*, That the said chairman and commissioners shall Said body, ex
officio, conser-
vators of the
public peace.
be, and they are hereby made conservators of the public peace, *ex officio*, and before
entering on the duties of their office, shall take and subscribe the following oath before
some judge or justice, viz : " I, A. B. do swear or affirm, (as the case may be,) that I
will well and truly do and perform all the duties required of me by law, as a commis-
sioner of the town of Louisville, and maintain the public peace and tranquillity of the
same, to the best of my power, during my continuance in office ; so help me God."

SECT. 9. *And be it further enacted*, That the said corporation shall have a common Oath of said
chairman and
commission-
ers.
seal, to be devised by the chairman and commissioners aforesaid. Corporation to
have a com-
mon seal.

SECT. 10. *And be it further enacted*, That all laws or ordinances passed by the said Ordinances,
&c. how signed
and tested.
board, shall be signed by the chairman, and tested by the clerk ; and in the absence of
the chairman, a chairman *pro tempore* may be appointed, who shall have all the powers
of the chairman for the time ; and in the event of the death or resignation of the chair-
man, the board shall, at their first meeting thereafter, appoint another to fill the vacancy. Chairman pro
tempore.

(No. 642.) **SECT. 11.** *And be it further enacted,* That when any vacancy shall happen in the board, by death, resignation, or otherwise, the said board shall order an election to fill such vacancy, giving at least ten days notice thereof.

Powers of the board with regard to public roads within the corporate limits.

SECT. 12. *And be it further enacted,* That all the public roads, passing through the corporate limits of said town, shall be under the direction of the said board of commissioners, who are hereby invested with full power to keep the same in good repair; and for that purpose to levy on each and every person within the said limits, now liable to work on the roads, a sum not exceeding two dollars per annum, including slaves; the tax on whom shall be paid by their respective masters or employers.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 643.)

AN ACT

To amend An act passed on the 19th December, 1818, amendatory of the several acts incorporating and regulating the Town of Louisville.

Commissioners of Louisville to elect a chairman.

Their style.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Louisville shall, annually, on the third Monday in January, or at their first meeting thereafter, elect by ballot one of their body to be chairman of the said board, which board shall be a body corporate, and known by the name and style of "The chairman and commissioners of the town of Louisville."

Provision in case of a failure to elect commissioners on the day prescribed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in the event of the failure of the citizens to elect commissioners on the day pointed out by law, that then, and in that case, the last acting commissioners shall continue in office, and the exercise of their duties, until their successors are elected and qualified.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the first section of (No. 643.) the said before recited act be, and the same is hereby repealed.

Repealing
clause.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

BRUNSWICK AND FREDERICA.

AN ACT*

(No. 644.)

To amend an act for the regulation and government of the Town and Commons of Brunswick.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and by authority of the same,* That the commissioners of the town and commons of Brunswick be, and the same are hereby nominated and appointed commissioners of the academy of the said county, and are fully authorized to sue and to be sued, and to do all things that may be necessary to recover such monies as may be due, for rent or otherwise, to the former commissioners of the aforesaid town and commons.

Commissioners of Brunswick appointed commissioners of the academy of Glynn.

SECT. 2. *And be it further enacted,* That William Page, Henry Dubignon, Gee Dupree, Leighton Willson, and William Huston, be, and the same are hereby declared to be commissioners for the town and commons and academy aforesaid.

Said commissioners nominated.

* See the amendatory act following this act.

(No. 644.) SECT. 3. *Be it further enacted*, That from and after the passing of this act, that not more than one-fourth of the future rent of said commons shall be appropriated to the court-house and jail, any law to the contrary notwithstanding.

Appropriation
of rent

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 3d December, 1813.

PETER EARLY, GOVERNOR.

(No. 645.)

AN ACT

To alter and amend an act, passed the 3d December, 1813, for the regulation and government of the Towns and Commons of Brunswick and Frederica, in the county of Glynn.

Commission-
ers of Bruns-
wick and Fre-
derica appoin-
ted.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That John Burnett, senior, Leighton Wilson, William Page, Henry Dubignon, Gee Dupree, William Huston, and James May, be, and they are hereby appointed commissioners for the towns and commons of Brunswick and Frederica, in the county of Glynn.

Said commis-
sioners consti-
tuted commis-
sioners of the
academy of
Glynn county.
Their powers.

SECT. 2. *And be it further enacted*, That the above named commissioners of the towns and commons of Brunswick and Frederica be, and the same are hereby nominated and appointed commissioners of the *academy of said county of Glynn, and are fully authorized as such to sue and to be sued, and to do and perform all acts and things that may be necessary to recover such monies as may be due, for rents or otherwise, to the former commissioners of the aforesaid towns and commons; and they are hereby authorized to elect one of their board as a treasurer, who shall give such security for the faithful performance of his duty, and to account for all monies which may come into his hands, as the said commissioners, or a majority of them, may require.

May elect a
treasurer, who
shall give se-
curity.

* See title "academies," act of 1817, No. 18, prescribing the time and the manner of electing commissioners of said academy.

SECT. 3. *And be it further enacted*, That one-fourth of the future rents of said commons shall be appropriated to the building the court-house and jail of said county of Glynn, any law to the contrary notwithstanding. (No. 645.)
Rents of the commons appropriated.

SECT. 4. *And be it further enacted*, That all former laws appointing commissioners for the purpose aforesaid, and all laws and parts of laws militating against the provisions of this act, be, and the same are hereby repealed. Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th November, 1814.

PETER EARLY, GOVERNOR.

MONTICELLO.

AN ACT

(No. 646.)

To alter and amend an act, passed the fifteenth day of December, one thousand eight hundred and ten, entitled "An act to regulate the Town of Monticello, in the county of Randolph."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That from and after the passage of this act, the day for electing commissioners for the town of Monticello shall be on the *last Saturday in December, in each year, under the same rules and regulations as are pointed out in the above recited act. Commissioners of the town of Monticello to be elected annually, on the last Saturday in December.

* The time of election was altered by act of 1816, No. 647; but the act of 1817, No. 648, again provides that it shall be annually, on the last Saturday in December.

(No. 646.) SECT. 2. *And be it enacted by the authority aforesaid,* That so much of said act as militates against this act be, and the same is hereby repealed.

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 2d December, 1813.

PETER EARLY, GOVERNOR.

(No. 647.)

AN ACT*

For the better regulation of the Town of Monticello, in the county of Jasper.

Preamble.

WHEREAS, the act now in force is found to be insufficient for the purpose of well regulating the said town: for remedy whereof;

Commission-
ers of the town
of Monticello
authorized to
pass bye-laws,
&c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the said town of Monticello shall have full power and authority to pass such bye-laws and regulations, as they may deem necessary for imposing and collecting a tax upon the citizens of said town and corporation, as they may deem necessary for the purpose of improving and keeping in good repair the public wells and springs, within the limits of said incorporation: *Provided,* that such tax shall not exceed the sum of one dollar on each and every person liable by law to pay a poll tax, within the term of one year.

Proviso.

May appoint
officers.

SECT. 2. *And be it further enacted,* That the said commissioners shall have power and authority to appoint such officers as they may deem necessary, for the purpose of enforcing and collecting such taxes and fines as may be imposed by said commissioners, in the most summary manner.

May tax shows,
exhibitions,
and showmen.

SECT. 3. *And be it further enacted,* That the said commissioners shall have full power and authority to impose a tax on all shows, exhibitions and showmen, performing

* This act altered and amended by act of 1817, No. 648.

in the said town for the purpose of gain, and also upon all gaming tables and games of hazard, of all descriptions, as may be established, opened or played in the said town, and to proceed to the collection of the same, in such manner as may be prescribed in the bye-laws and regulations of said town: *Provided*, That the tax so to be imposed upon shows and showmen, shall not exceed ten dollars for each day's exhibition or performance, and that the tax so to be imposed on gaming tables and games of hazard, shall not exceed twenty dollars for each day that the same may be established, opened or played in said town.

(No. 647.)
Also, gaming
tables, games
of hazard, &c.
Proviso.

SECT. 4. *And be it further enacted*, That in case any person or persons who are liable for the same, or shall refuse to pay any tax, to be imposed or assessed by any bye-law or regulation of said town, in pursuance of the authority of this act, then, and in that case, the commissioners of said town, or a majority of them shall, and they are hereby authorized to issue their warrant, directed to any officer to be by them appointed, requiring a levy and sale of the goods and chattels of the person or persons so refusing to make the amount of tax so imposed or assessed, and all reasonable expenses and charges of sale: *Provided*, that all sales to be made by virtue of such warrant shall be advertised at least ten days previous to sale, at the court-house door in said town.

May issue ex-
ecutions in
certain cases.
Proviso.

SECT. 5. *And be it further enacted*, That the said commissioners shall have full power and authority to appoint, from among the persons residing within the limits of said corporation, a patrol or patrols for said corporation, at such times and on such occasions as they may deem proper: *Provided*, that one person at least of those composing such patrol or patrols shall be a slaveholder, and that no punishment, inflicted by such patrol or patrols on any slave or slaves, shall exceed moderate correction: *Provided* also, that all and every person or persons who shall refuse to do patrol duty, when required as aforesaid, shall, without good excuse to be rendered to said commissioners, be liable to be fined by said commissioners, in any sum not exceeding five dollars; and the said delinquent shall have five days notice, in writing, of the time and place for hearing such excuse.

May appoint
patroles.
Proviso.

SECT. 6. *And be it further enacted*, That the said commissioners shall have power and authority to pass all bye-laws and regulations, necessary to compel the citizens of said town, and other persons resident therein, and liable by the laws of this state to work on the public roads, to labour on the public square, roads and streets within said incorporation, and in such manner, and at such times, as they may prescribe, for the improvement and repair thereof; and in case of refusal or neglect in any citizen, or other person so liable as aforesaid, the said commissioners, or a majority of them, may proceed to impose a fine upon such citizen or other person, and to collect such fine in the manner prescribed in the preceding section of this act: *Provided*, no such fine, to be im-

Their powers
with regard
to the roads,
square and
streets within
the incorpora-
tion.
Proviso.

(No. 647.) posed by virtue of this section, shall exceed two dollars for each case of neglect or refusal.

Monies of the corporation appropriated to the use of the academy in said town.

SECT. 7. *And be it further enacted*, That all monies now in the hands of the commissioners of said town, and also all monies arising by virtue of this act, shall be applied by said commissioners to the use and support of the academy of said town, and to the improving and keeping in repair the public wells and springs in said town.

Said commissioners may punish contempts.

SECT. 8. *And be it further enacted*, That the said commissioners shall have full power and authority to punish all and every contempt or contempts committed in their presence, while sitting as a board: *Provided*, that no fine, imposed for any single offence aforesaid, shall exceed twenty dollars.

Time of their election.
Repealing clause.

SECT. 9. *And be it further enacted*, That the time of holding the election for commissioners of said town, shall be on the second Monday in January in each year: and all laws or parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 648.)

To alter and amend an act, entitled An act for the better regulation of the Town of Monticello, in the county of Jasper.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Monticello shall have power and authority to pass such bye-laws and regulations, as they may deem necessary for imposing and collecting a poll tax upon the citizens of said town: *Provided*, that such poll shall not exceed one dollar on each and every person liable by law to pay a poll tax; and also the sum of twelve and one half cents on every hundred dollars value of property subject to taxation by the tax laws of this state, for the term of one year.

Commissioners of Monticello may impose a tax on the inhabitants of said place.
Proviso.

SECT. 2. *And be it further enacted*, That the said commissioners shall have power to pass such laws as they may deem necessary, to require and direct the citizens of said town to make a return, upon oath, to such officer as may be by them appointed to receive the amount of taxable property by each of them owned or held in said town; and in case any citizen shall refuse to make such return, when called on for that purpose by the proper officer, then and in that case, such defaulter shall be liable to pay such tax as may be assessed by said commissioners, from the best source of information they can obtain, with an addition of fifty per cent. on the amount of such tax, for such default or refusal.

May pass bye-laws to compel said inhabitants to make a return on oath of their taxable property.
Tax of defaulters, how assessed.

Penalty for default.

SECT. 3. *And be it further enacted*, That the said commissioners shall have full power and authority to impose a tax on all shows, exhibitions, and showmen, performing in said town for the purpose of gain: *Provided*, that such tax so imposed shall not exceed the sum of ten dollars on each day's exhibition or performance.

Said commissioners may tax shows, exhibitions, and showmen.
Proviso.

SECT. 4. *And be it further enacted*, That the said commissioners shall have full power and authority to appoint, from among the persons residing within said corporation, a patrol or patrols for said corporation, at such times and on such occasions as they may deem proper: *Provided*, that one person at least composing such patrol or patrols shall be a slaveholder; and that no punishment, inflicted by such patrol or patrols on any slave or slaves, shall exceed moderate correction: *Provided also*, that all and every person or persons, who shall refuse to do patrol duty when required as aforesaid, shall, without good excuse to be rendered to said commissioners, be fined in any

May appoint patrols.

Proviso.

Proviso.

(No. 648.) sum not exceeding five dollars; and the said delinquent shall have five days notice, in writing, of the time and place of hearing said excuse.

Penalties not to extend to life, limb, or corporal punishment of any white person.

Punishment of slaves.

Said commissioners may issue a *ca. sa.* against any person refusing to pay any tax assessed, or fine imposed.

SECT. 5. *And be it further enacted*, That no penalty, by the bye-laws and regulations of said town, shall extend to life, limb, or corporal punishment of any white person, and that no slave shall receive more than thirty lashes for the single violation of any bye-law or regulation of said town.

SECT. 6. *And be it further enacted*, That when any tax has been assessed, or fine imposed, in conformity with this act, and the person or persons against whom the same is assessed or imposed refuses or neglects to pay the same, and when property cannot be found by the proper officer, to make the amount of said tax or fine, then and in that case, the said commissioners shall have power to order a *capias ad satisfaciendum* to issue against such person or persons, and imprison them in the common jail of said county, until the same is paid, or until the person or persons so confined shall make oath, before some one of the said commissioners, that they are unable to satisfy or pay the same.

May appoint necessary officers.

SECT. 7. *And be it further enacted*, That the said commissioners shall have power and authority to appoint such officers as they may deem necessary, to enforce and execute such bye-laws and regulations as they may from time to time ordain and establish; and to collect all taxes or fines that may be in any case assessed or imposed, in such way and manner as the said commissioners may direct.

Monies arising from taxes and fines, how to be appropriated.

SECT. 8. *And be it further enacted*, That the said commissioners are hereby authorized to appropriate all monies, arising from taxation and fines imposed, assessed and collected, by virtue of any bye-laws or regulations adopted in pursuance of the authority given in this act, after defraying necessary expenses, to the improvement of the public springs, wells, square and streets of said town, and to the preservation of the houses in said town from fire, in such manner as they may deem most conducive to the interest and safety of the citizens of said town.

A majority shall constitute a board.

Vacancies, how filled.

SECT. 9. *And be it further enacted*, That the powers vested by this act in the commissioners of said town shall extend to their successors in office; and a majority of them shall at any time be as fully authorized to act as a board, as if the whole of the members were present; and where any vacancy shall take place in the board, by reason of the removal, resignation or death of any of the commissioners, that it shall and may be lawful for the majority of the board to advertise, at the court-house door, an election to fill such vacancy, giving at least ten days notice, in said advertisement, when such election shall be held.

SECT. 10. *And be it further enacted,* That the commissioners of said town shall, before they enter upon the duties of their office, take and subscribe an oath, well and truly to perform the duties of commissioners for said town, and shall have power to administer such oaths as may be necessary to a proper execution of their duties as commissioners aforesaid. (No. 648.)
Commissioners to take an oath.
May administer oaths.

SECT. 11. *And be it further enacted,* That the time for holding an election for commissioners of said town, shall be on the last Saturday in December annually; and all the citizens of said town, that are entitled to vote for members of the state legislature, shall be allowed to vote at said election; and in case any circumstance should at any time occur, whereby the said commissioners should not be elected on the day pointed out by this act, then, and in that case, it shall and may be lawful for the commissioners of the preceding year to advertise, at the court-house door, when said election shall be held, giving thereby at least ten days notice; and the commissioners so elected shall be deemed and considered as lawfully such, as if they had been elected on the day pointed out by this act. Time of election.
Who may vote.
Provision in case an election should not be held on the day prescribed.

SECT. 12. *And be it further enacted,* That no person but such as are freeholders shall be eligible to hold or receive the appointment of a commissioner of said town: and all laws or parts of laws militating against this act be, and the same are hereby repealed. Qualification of commissioners.
Repealing clause.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

WASHINGTON.

(No. 649.)

AN ACT

To authorize the Commissioners of the Academy and Town of Washington, in Wilkes county, to open and keep open the Streets of the said Town, and to extend the Corporation of the same.

Commissioners of the town of Washington authorized to open and keep open the streets in said town, and to remove obstructions therein.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the commissioners of the academy and town of Washington, or a majority of them, shall have full power to open, and keep open the streets of said town, agreeable to the original plan for laying off the aforesaid town; and the said commissioners, or a majority of them, are hereby authorized and vested with full and complete power to remove, or cause to be removed, all obstructions or encroachments which now are, or shall hereafter be put in the streets of the said town: Provided, nothing herein contained shall authorize the said commissioners to remove, or cause to be removed, any dwelling-house, store-house, shop or gin-house, chimneys, piazzas, sheds, or porches, as the case may be, which is now erected.*

May employ a surveyor to lay off the streets, in case the original plan of the town cannot be procured.
Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid, That if the original plan of the said town of Washington shall have been lost, or so mislaid that the commissioners of the said town cannot procure the same, then, and in that case, they, or a majority of them, are authorized to employ a surveyor or surveyors, who may proceed to run and lay off the streets of the said town as nearly as possible, in conformity with the original plan of the said town, from the best information in their power: Provided, such surveyor or surveyors, in running and laying off said streets, shall in no instance interfere with any dwelling-house, store-house, shop or gin-house, chimneys, piazzas, sheds, or porches, as the case may be, already erected.*

SECT. 3. *And be it further enacted*, That the town corporation of the town of Washington, in the county of Wilkes, is hereby extended around said town one half mile distance; any law, usage or custom to the contrary notwithstanding. (No. 649.)
Jurisdiction of the corporation.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 6th December, 1813.

PETER EARLY, GOVERNOR.

AN ACT

(No. 650.)

To establish and make permanent East-street, in the Town of Washington, in the county of Wilkes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, that the street in the town of Washington, in the county of Wilkes, called and known by the name of East-street, be, and the same is hereby established and made permanent in its present position, in lieu of the original street of the same name, in the said town of Washington, and county of Wilkes; any law, ordinance, usage or custom to the contrary notwithstanding. East-street, in the town of Washington, made permanent.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 651.)

AN ACT

To amend An act to appoint Commissioners for the better regulation and government of the Town of Washington, and for incorporating the same, passed the 7th day of December, 1805, and for other purposes therein mentioned.

Commissioners of Washington to be elected biennially.

Proviso.

Who shall preside at the elections.

Continuance in office.

Commissioners may pass bye-laws, &c.

Proviso.

Vacancies, how filled.

Commissioners to appoint two vendue-masters.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the election for commissioners for the said town of Washington shall be holden on the second Monday in January next, and on the second Monday in January in every second year thereafter; and where such election may not take place, then, and in that case, it shall and may be lawful for the inhabitants of said town, who may be entitled to vote for representatives to the General Assembly, to assemble at the court-house in said town, and by ballot elect commissioners for the said town of Washington: Provided, always, that ten days previous notice, in writing, shall be given at the court-house door, of the time when such election is to take place, by the commissioners of the preceding year, or a majority of them, or by any justice of the Inferior Court or justice of the peace, of the county of Wilkes; at which election or elections, any justice of the Inferior Court or justice of the peace, together with two freeholders of the said town, not candidates, shall preside.*

SECT. 2. *And be it further enacted, That in all cases the commissioners of the preceding year shall continue in office, until their successor or successors are elected and qualified; and the said commissioners, so to be elected as aforesaid, or a majority of them, shall have power and authority to make, ordain and establish, and carry into effect, any bye-law or bye-laws, ordinance or ordinances, which they, or a majority of them, may deem most expedient for the better regulation and government of said town: Provided, such bye-law or laws, ordinance or ordinances, be not repugnant to the constitution of this state, or of the United States, or any law or laws now in force in this state.*

SECT. 3. *And be it further enacted, That whenever any vacancy or vacancies may happen, by death, resignation or otherwise of such commissioner or commissioners, such vacancy or vacancies shall be supplied by election, in conformity with the first section of this act.*

SECT. 4. *And be it further enacted, That it shall be the duty of such commissioners, or a majority of them, so to be elected as aforesaid, annually after the year eighteen hundred and seventeen, between the said second Monday in January and the first day of March, to appoint two vendue-masters for the said town of Washington; each of whom*

shall, before he or they enter on the duties assigned them, give bond and sufficient security to his excellency the Governor for the time being, and his successors in office, in the sum of one thousand dollars, for the faithful discharge of his or their duties respectively, according to law now in force; and the said vendue-masters shall be entitled to receive like fees as are received by the vendue-masters in the city of Augusta, and shall be alike governed, according to the laws, regulations and restrictions: *Provided nevertheless*, their powers shall not be so construed as to extend without the limits of the corporation of said town.

(No. 651.)
Who shall give
bond and se-
curity.

Their fees.

Proviso.

SECT. 5. *And be it further enacted*, That no person or persons, inhabitants of said town, other than freeholders, shall be eligible to the office of commissioner of said town; and it shall not be lawful for any such commissioner so to be elected as aforesaid, to enter upon the duties assigned him or them by virtue of this act, until they and each of them have first taken and subscribed an oath, before some one of the justices of the Inferior Court, or justices of the peace, for the county of Wilkes, to support the constitution of the United States and the constitution of this state, and such other oath as shall be prescribed by them, or a majority of them, not inconsistent with the constitution and laws of the land.

Qualification
of commission-
ers.

An oath to be
taken by them.

SECT. 6. *And be it further enacted*, That the said commissioners, or a majority of them, shall have the control of the inhabitants of the said town, liable by the laws of this state to work on roads, for the purpose of opening and keeping open the streets of said town, and working on the same, and on the roads leading to and from the said town, for the distance of one mile.

May compel
the inhabit-
ants to work
on the streets,
&c.

BENJAMIN WHITAKER,
Speaker of the House of Representatives

WILLIAM RABUN,
President of the Senate

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AUGUSTA.

(No. 652.)

AN ACT

To prevent encroachments on the Streets and Highways in the city of Augusta, and to remove such as now exist.

The surveyor general required to lay off and define such public streets, in the city of Augusta, as the city council may direct.

SECT. 1. *Be it enacted by the General Assembly of the state of Georgia,* That the surveyor general of this state be, and he is hereby authorized and required, within three months from the date hereof, (at the proper cost and expense of the corporation of Augusta,) to repair to said city of Augusta, and then and there readmeasure, lay off and define the whole, or so many of the public streets and other highways in said city, as the city council thereof may deem sufficient for them hereafter to determine the proper metes and bounds:

And to determine the ends and intersections of as many streets as said council may require.

SECT. 2. *And be it further enacted,* That the said surveyor general shall, from the best information he can obtain, determine on and declare the ends and intersections of so many of said streets as the said city council may conceive necessary, and shall set up and affix at such intersections and terminations of streets, such stones or woodposts as shall plainly and distinctly show the same.

Said streets, &c. so defined, conclusive on the inhabitants.

Encroachments upon said streets, &c. to be removed upon 3 months notice being given.

Forfeiture of the party, for permitting such encroachment, &c. to remain.

SECT. 3. *And be it further enacted,* That when the said streets and highways shall be defined in manner aforesaid, the same shall be binding and conclusive on the inhabitants of Augusta for ever, so far only as respects the lines and boundaries of said streets. And all and every person or persons whomsoever, that have encroached or may hereafter encroach (before the streets are defined as aforesaid) upon any of the streets or highways in said city, by buildings, enclosures or otherwise, shall cause such obstruction or encroachment to be removed, upon three months notice thereof being given him, her or them, their agent or attorney, by the city council of Augusta; and, on failure or refusal, the party so offending shall forfeit the sum of one hundred dollars for each and every day such obstruction or encroachment shall remain, after the expiration of the said three months; the amount so forfeited to be applied to the use of the city council of Augusta, and to be recovered by action of debt, or by bill of indictment, in the Superior Court of Richmond county, to be instituted by the said city council, should they think proper to sue for the same.

SECT. 4. *And be it further enacted*, That the said city council shall have full power (No. 652.) and authority to remove, or cause to be removed, any such obstructions or encroachments, or any other obstruction and encroachment upon the streets or highways, within the limits of said city, at the expense of such person or persons as shall cause the same, and shall issue execution against such persons, their goods and chattels, lands and tenements, for the amount of such expenditures and costs, which may be levied by the marshal of said city, or the sheriff of Richmond county.

Powers of the city council with regard to removing obstructions, &c.

SECT. 5. *And be it further enacted*, That after the said streets are laid off and defined in manner aforesaid, it shall be the duty of all and every person to abide by, and conform to, such lines as may be designated as aforesaid; and any person about to erect buildings on any of the said streets, and who shall entertain doubts as to the boundary of his or her lot on such street, shall apply to the surveyor of the said city, or such other person as the said city council may appoint for that purpose, whose duty it shall be to designate the same.

How persons, who are about to build on said streets, may ascertain the doubtful boundaries of any lot.

SECT. 6. *And be it further enacted*, That the said city council of Augusta shall have full power and authority to make such bye-laws, rules and regulations as they may deem necessary, fully and effectually to prevent encroachments on the said streets and highways hereafter, and to remove such as now exist, and such as may hereafter exist, as, in their opinion, may be least burdensome to the citizens, and best calculated to promote the good order and welfare of said city and its inhabitants.

Said city council authorized to make bye-laws, &c. to prevent and remove encroachments on the said streets, &c.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

JARED IRWIN,

President of the Senate, pro tem.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

(No. 653.)

AN ACT

For the relief of certain Lot-holders in the city of Augusta.

Preamble.

WHEREAS, Greene-street, in the city of Augusta, is closed at the upper end, so as to have no direct communication with the main road leading through Harrisburg, from the Sand Hills, to the great detriment of the lot-holders on said street, and general inconvenience and injury of the inhabitants of said city : for remedy whereof ;

Greene-street, in the city of Augusta, to be opened and extended.

SECT. 1. *BE it enacted by the Senate and House of Representatives, of the state of Georgia, in General Assembly met,* That the intendant and city council of Augusta are hereby authorized and empowered, when, in their opinion, the public convenience of the city may require it, to cause Greene-street, in the said city, to be opened and extended in a straight line, (agreeably to the plan of said city,) until it intersects the main road leading from the Sand Hills, through Harrisburg, to the said city of Augusta.

Remedy and mode of proceeding, when persons conceive themselves to be injured by the opening of said street.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons consider him, her or themselves, injured or aggrieved by the opening of said street, he, she or they may petition the Superior Court of Richmond county, stating the amount of damages or injury sustained or demanded, and praying that an inquest may be taken, and such damage awarded as may be reasonable and just ; a copy of which petition shall be served on the clerk of the city council of the said city, at least twenty days before the sitting of the court to which the same is returnable ; at which said court a jury shall be thus sworn : " You shall well and truly try, value and assess the damage suffered, and the benefit received by the petitioner, by reason of opening and extending Greene-street, in the city of Augusta, and a true verdict give of the amount wherein the damage suffered exceeds the benefit received, or the reverse ; So help you God." And the amount of damage over and above the benefit, (if any,) so by such jury assessed, shall immediately thereafter be paid by the said city council to the petitioner, unless either party shall be discontented with the verdict ; in which case either the petitioner or the city council may enter an appeal, at any time within four days after the adjournment of said court ; which appeal shall be tried at the next term of the said court, by a

Oath of the jury who are to assess the damages, &c.

Appeals allowed.

special jury, struck in the usual manner, and sworn as herein before prescribed ; whose (No. 653.) verdict shall be final, unless the court, for matter of law, should think fit to award a new trial.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT*

(No. 654.)

To establish a Mayor's Court in the city of Augusta, and to add an additional member to the City Council thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of January next, the chief magistrate of the city of Augusta shall be known and addressed by the appellation of Mayor, and not Intendant of the city of Augusta.

Chief magistrate of Augusta styled mayor.

SECT. 2. *And be it further enacted, That a Mayor's Court shall be established, and the same is hereby created and established, in the city of Augusta, to go into operation after the first day of January next, invested as a court of record, with the same powers, clothed with the same authority and jurisdiction, and governed by the same rules, regulations and restrictions, as appertain to and limit the Mayor's Court of the city of Savannah. And the aforesaid mayor of the city of Augusta shall be, and he is hereby constituted judge of the said court, and shall be entitled to the same fees and emoluments, in the discharge of his official duty in this regard, as are allowed to the Mayor of the city of Savannah, to be collected from all suits commenced in said court: Provided always, that the jurisdiction of the aforesaid Mayor's Court shall not embrace the consideration of cases which shall involve a sum less than thirty dollars, nor extend to such as exceed the value of two hundred dollars.*

A Mayor's Court established in said city. Its powers, &c. the same as those of the Mayor's Court of Savannah. The mayor to be judge of said court. His fees. Proviso.

* Amended by act of 1813, No. 655.

(No. 654.)

An additional member added to the city council.

SECT. 3. *And be it further enacted*, That district, No. 3, shall be entitled to one additional member in the city council of Augusta, to be elected in conformity to the provisions of the law regulating such elections, and to take place at the next annual election for members of the said city council of Augusta.

Repealing clause.

SECT. 4. *And be it further enacted*, That all laws militating in any way with the provisions of this act be, and the same are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 655.)

AN ACT

To amend an act, entitled "An act to establish a Mayor's Court in the city of Augusta, and to add an additional Member to the City Council thereof," passed the 19th day of December, 1817.

Mayor's Court in the city of Augusta, to be held monthly. What cause may be tried therein.

How tried.

New trial.

The mayor authorized to draw and empanel jurors.

City sheriff to summon them.

SECT 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the Mayor's Court for the city of Augusta shall be holden in said city, on the fourth Monday in each and every month; and the said court shall have cognizance of all causes of a civil nature, not involving title to real estate, within the limits of the corporation of said city, where the demand shall exceed twenty dollars, and shall not be above two hundred dollars; which shall be tried by a jury of twelve men, to whom shall be administered the oath prescribed by the judiciary act of 1799, for jurors in other courts, which trial shall be final; but the judge of said court may nevertheless grant a new trial, when, in his opinion, the principles of law and justice, and the rights of the case may require it. And the mayor is hereby authorized and empowered, in term time or vacation, to draw and empanel jurors for the trial of such causes, who shall be resident within the jurisdiction of said court, and who shall be qualified, and liable to serve as petit jurors in the Superior and Inferior Courts of this state; and to cause the said jurors to be summoned by the city sheriff, at least five days

before the sitting of the court, and to fine them for non-attendance or misconduct, not (No. 655.) exceeding ten dollars for any one offence.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in the absence of the mayor, or when, from indisposition or any other cause, he shall be unable to hold said court, any one of the members of the city council shall be competent to hold the court called the Mayor's Court; or the city council shall be, and they are hereby authorized and empowered to elect a mayor *pro tempore*, who shall have power to hold said court, and be vested with all the powers, for the time being, that the mayor would have, were he personally present; but if the said court, from any cause whatever, shall fail to meet, the proceedings in said court shall not thereby be discontinued, but shall stand continued over in the same manner as if such failure had not taken place. And the jury summoned to attend such court, shall stand over and be considered as the jury for the next term, and be liable to attend at such succeeding term, any law, usage or custom to the contrary notwithstanding. And all witnesses and jurors going to, attending on, and returning from said court, shall be free from arrest on any civil process.

In the absence of the mayor, any one of the city council competent to hold said court.

Or said council may elect a mayor *pro tem*.

When said court fails to meet, proceedings to stand over to the next court.

Witnesses and jurors, when free from arrest on civil process.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all suits or causes, cognizable by, and which may be commenced in the Mayor's Court of the city of Augusta, shall be by petition to the said court; which petition shall plainly, fully and distinctly set forth the plaintiff's charge, allegation, demand or cause of action, and shall be signed by the plaintiff, or his, her or their attorney; to which petition the clerk of the Mayor's Court shall annex a process signed by him; which process shall bear teste in the name of the mayor, as judge of said court, and shall be directed to the sheriff of the city of Augusta, requiring the defendant or defendants to appear at the court to which the same shall be made returnable, and shall be served on the defendant or defendants, at least five days before the return thereof, by delivering a copy to such defendant or defendants, or by leaving such copy at his, her or their most notorious place or places of residence. And all process issued and returned, in any other manner than as herein directed, shall be null and void. And the defendant or defendants shall appear at the court to which the petition and process shall be returnable; and on or before the last day of the said court, shall make his, her or their defence or answer, in writing, which shall plainly, fully and distinctly set forth the cause of the defence, and be signed by the party making the same, or his, her or their attorney; which said answer may contain as many several matters, not inconsistent with each other, as may be deemed necessary for the defence: *Provided*, that no person shall be permitted to deny any deed, bond, bill, single or penal, note, draft, receipt or order, unless he, she or they shall make affidavit of the truth of such answer, at the time of filing the same; and the said petition and answer shall be sufficient to carry the cause to the jury. And no

Suits in the Mayor's Court to be by petition.

Its requisites.

A process to be annexed to it.

Service on the defendant or defendants.

Defendant to put in his defence or answer at the first term.

Its requisites.

Proviso. Deeds, bonds, notes, &c. to be denied on oath.

(No. 655.) dilatory answer shall be received, unless affidavit be made of the truth thereof. And if any defendant shall fail to appear and answer as aforesaid, the court may, on motion, give judgment by default, but the cause shall nevertheless be tried by a jury at the succeeding term; and no cause, cognizable in said court, shall be tried at the first term.

Dilatory answer to be sworn to.
Default.

Actions against joint, several, or joint and several obligors, &c. how brought.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in all cases where a suit shall be instituted in the said court, on a bond, note or other written obligation, subscribed by several persons, and which in its nature is joint, several, or joint and several, or upon any joint, or joint and several contract whatever, whether verbal or written, express or implied, and whether made by copartners in trade, or any other persons whatever, it shall be lawful to commence suit against any one or more of the persons who have signed such instrument of writing, or who are parties to, or bound by such contract, and who shall reside within the jurisdiction of said court; and a service upon any one or more of the persons against whom the action is commenced, shall be deemed a sufficient service to enable the party plaintiff to proceed with his said suit or action, against the person or persons so served, and the court may give judgment accordingly.

Service in such cases.

In bail cases, oath to be made of the amount claimed, and that the loss of the same, or some part thereof, is apprehended, unless bail be taken.

SECT. 5. *And be it further enacted by the authority aforesaid,* That in all cases where bail shall be required, the party requiring bail shall make oath, before the mayor, or any member of the city council, or before any one of the judges of the Superior Courts, the justices of the Inferior Courts, or justices of the peace within this state, of the amount claimed by him, and that he has reason to apprehend the loss of said sum, or some part thereof, unless the defendant or defendants is or are not held to bail: and the subsequent proceedings shall conform to those prescribed in cases of bail in the Superior and Inferior Courts, by the judiciary act of force in this state, due regard being had to the nature of the different tribunals.

Subsequent proceedings to conform to the judiciary act in force in this state.

Clerk to issue subpoenas.

Subpoenas, when and by whom to be served.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the clerk of the Mayor's Court shall be, and he is hereby authorized and required to issue subpoenas, to compel the attendance of witnesses, upon the application of any party in a cause pending in said court; which subpoena shall be directed to the person whose attendance shall be required, when such person shall reside within the limits of the corporation of Augusta; which subpoena shall express the cause, and the party at whose suit it shall be issued, and shall be served by the city sheriff, or any other person, on said witness, at least one day before the court to which it shall be returnable; and the affidavit of the person serving the same shall be sufficient evidence of such service: and witnesses thus subpoenaed shall be bound to attend until the cause in which he, she or they shall be summoned shall be tried; and on failure to attend, shall be subject to attachment, and also to an action, at the suit of the party aggrieved by his, her or their non-attendance.

Duty of witnesses.

Liable to attachment, and an action for non-attendance.

ance; and each and every witness shall be allowed fifty cents per day, for each and every day he, she or they attend by virtue of such subpoena, to be recovered in the manner pointed out by the laws now in force for the recovery of the amount due witnesses, for their attendance on the Superior and Inferior Courts of this state. (No. 655.)

Their fees, and the mode of recovering them.

SECT. 7. *And be it further enacted by the authority aforesaid,* That where any witness resides beyond the limits of the corporation of Augusta, it shall and may be lawful for either party, on giving at least three days notice to the opposite party, or his, her or their attorney, accompanied with a copy of the interrogatories intended to be exhibited, to obtain a commission from the clerk of the court, directed to two or more persons as commissioners, to examine all and every such witness or witnesses on such interrogatories as the parties may exhibit; and such examination shall be read at the trial, on motion of either party.

Interrogatories may issue when witnesses live out of the limits of the corporation of Augusta.

SECT. 8. *And be it further enacted by the authority aforesaid,* That all executions shall be issued and signed by the clerk of the Mayor's Court, at any time after the signing of judgment by the party or his attorney; and shall bear teste in the name of the mayor, as judge of said court, and shall be directed to the sheriff of the city, and may be levied upon the estate, both real and personal, of the defendant or defendants, or issue against the body of the defendant or defendants, at the option of the plaintiff; which execution shall be of full force until satisfied. And in all cases of illegality of execution, or claims of property levied upon by virtue of any execution issuing from the Mayor's Court, the like proceedings shall be had thereon, as are prescribed in cases of executions issuing from the Superior and Inferior Courts of this state, by the judiciary act of 1799. And all sales of property, levied upon by virtue of any execution issuing from the Mayor's Court, shall be on the third Tuesday in each month, at the market-house in the city of Augusta, and between the hours of ten o'clock in the forenoon, and three o'clock in the afternoon of the day: and it shall be the duty of the sheriff to give at least ten days notice, in one of the public gazettes of the city of Augusta, of all sales of property executed by him, and also to advertise the same at the court-house and market-house in said city, and which advertisement shall make known the names of the parties to the execution.

Executions, how issued, signed, tested, and to whom directed.

Illegality of executions, and claims of property.

Sheriff sales.

Duties of the sheriff with regard to property executed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful for the mayor, or any member of the city council of the city of Augusta, to issue attachments returnable to the Mayor's Court, in cases (within the jurisdiction of said court) where both debtor and creditor shall reside without the limits of the state of Georgia, or where the debtor alone resides without those limits, or where a debtor shall be actually removing from the city of Augusta, or so absconds or conceals himself, that the ordinary process of law cannot

The mayor, or any member of the city council, authorized to issue attachments in certain cases.

(No. 655.) be served upon him, in the same manner, and upon the same terms as are prescribed for the issuing attachments returnable to the Superior and Inferior Courts of this state; which attachment shall be directed to the sheriff of the city of Augusta, and shall be levied upon the property of the defendant, within the corporate limits of the said city, in like manner as is prescribed for the levy of attachments returnable to the Superior and Inferior Courts of this state: *Provided*, that every attachment shall bear teste in the name of the mayor, or member of council issuing the same, and shall be by the city sheriff publicly advertised, at the door of the house in which the Mayor's Courts are holden, at least five days before the sitting of the court; and the proceedings under attachments in the Mayor's Courts shall be the same, in all cases where such proceeding can be made applicable, as are prescribed by the attachment acts of force in this state, any law, usage or custom to the contrary notwithstanding.

To whom directed.
How levied.
Proviso.
To be advertised five days before court.
Proceedings in said court to conform to the attachment laws of the state.

A clerk to be elected biennially, and a sheriff.

Oath of the clerk.

Said clerk to give bond and security.

Duties of the clerk.

Oath of the city sheriff.

Deputy.

SECT. 10. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for, and it is hereby made the duty of the city council of Augusta, at their first regular meeting after the first day of January in each and every second year, to elect, by ballot, a clerk for the Mayor's Court, and a sheriff for the city of Augusta, who shall take an oath and give security as herein pointed out: that is to say, the clerk so elected shall take the following oath, before the mayor or any member of the city council: "I do solemnly swear, or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments and other proceedings of the Mayor's Court of the city of Augusta, and all other matters and things which, by law, ought by me to be recorded, and that I will faithfully and impartially discharge and perform all the duties required of me, to the best of my understanding." And such clerk shall enter into bond, with one or more good and sufficient security or securities, to the Governor for the time being, in the sum of one thousand dollars, conditioned for the faithful discharge of the duties required of him; and the said clerk shall, by virtue of his office, be justice of the peace, so far as to administer all oaths appertaining to the business of his office; and it shall be the duty of said clerk to copy into a book of record, all the proceedings in said court, for which he shall be allowed the sum of ten cents for every hundred words of recording such proceedings, to be taxed in the bill of costs; and the said clerk shall also keep regular and fair minutes of all the proceedings in the said court, which shall be signed by the judge of the said court: and the city sheriff shall, in like manner, take the following oath: "I do solemnly swear, or affirm, (as the case may be,) that I will faithfully execute all writs, warrants, precepts and processes, directed to me as sheriff of the city of Augusta, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of sheriff of the city of Augusta, during my continuance in office, and take only my lawful fees;" and an oath to the same purport shall be taken by the deputy of the said sheriff, should he think proper to appoint one, which he is hereby authorized to do in like manner: and the said city sheriff shall enter into bond, with two

good and sufficient securities, to the Governor for the time being, and his successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his duty, by himself and his deputies, and which bond the mayor or any member of council is authorized to take ; and the said clerk and sheriff shall, in every instance, continue in office until a successor shall be appointed and qualified, notwithstanding the period shall have elapsed for which they shall have been elected ; and the clerk and sheriff, upon going out of office, shall turn over to their successors all papers and process, of what nature or kind soever, in their possession ; and the said succeeding sheriff shall be empowered and required to carry into effect any levy made by his predecessor, and shall make titles to the purchasers for all the property sold under execution, and not conveyed by his predecessor ; and the same remedy may be had against the said clerk and sheriff as is prescribed by the judiciary act, against clerks and sheriffs in the respective counties of this state.

(No. 655.)
Sheriff to enter into bond and security.

Said clerk and sheriff to continue in office until their successors are appointed and qualified.

Shall turn over to their successors all papers, &c.

Remedy against said clerk and sheriff.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the clerk of the Mayor's Court and the sheriff of the city of Augusta shall be authorized to charge, demand and receive the same fees that the clerks of the Superior Courts, and the sheriffs of the respective counties in this state are, by law, authorized to charge, demand and receive for the performance of similar duties, and shall have the same remedy for enforcing payment of their fees respectively as are employed by those officers respectively, any law, usage or custom to the contrary notwithstanding.

Their fees.

SECT. 12. *And be it further enacted by the authority aforesaid,* That all acts or parts of acts militating against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

(No. 656.)

AN ACT

To extend the jurisdiction and powers of the Mayor and City Council of the City of Augusta.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* the limits of the city of Augusta be, and the same are hereby extended to Hawke's Gully, on the western road, thence northwardly, in a direct line, to the Savannah river, and southwardly, in a direct line, until such line intersects South Boundary-street continued; and that all persons and property within the said limits be, and the same are hereby subjected to the jurisdiction and power of the mayor and city council of the city of Augusta, and the same are hereby extended over them as fully and effectually, to all intents and purposes whatever, as the same now exists over any part of the city of Augusta; and the land within the aforesaid limits is hereby added to the said city of Augusta, and declared to be part thereof; and all persons dwelling thereon shall be considered inhabitants of the said city, and, as such, liable to all the assessments, taxes, contributions, penalties, regulations and prohibitions, and entitled to all the rights, privileges, benefits and immunities of other inhabitants of the said city, and subject to all the ordinances heretofore made, or which may hereafter be made, for the government thereof.

Limits of Augusta extended.

Jurisdiction of the mayor and city council.

Land within said limits added to the city. Rights and liabilities of the inhabitants thereon.

Police of Augusta extended to three miles from the city in every direction within the state. General powers of the mayor, &c. over those limits.

SECT. 2. *And be it further enacted, That* the power and jurisdiction of the mayor and council of the said city, so far as the same relates to matters of police only, be, and the same is hereby extended to the distance of three miles from the city, in every direction within this state; and that the said mayor and city council be, and they are hereby authorized to make such ordinances and bye-laws, for the preservation of peace, good order and sobriety, and for the restraint and regulation of retailers of spirituous and fermented liquors, shopkeepers and others, within those limits, as they are now authorized to make within the city of Augusta.

Powers of the mayor and city council with regard to roads within the limits aforesaid.

SECT. 3. *And be it further enacted, That* the mayor and city council of the said city be, and they are hereby authorized to widen all the public roads leading from the said city, to the distance of three miles from the same, to such convenient breadth as they may respectively require, not exceeding one hundred feet each, and to straighten the same; and to lay out any new roads that may be necessary for the public convenience, within those limits; and generally to have the same power, authority and jurisdiction, over the roads within three miles of the city, as now belongs to the Inferior Court of

Richmond county: *Provided*, that the laying out or straightening any road now laid out, (No. 656.) shall not injure the property or building of any person. Proviso.

SECT. 4. *And be it further enacted*, That the said mayor and city council be, and they are hereby authorized, on the request of the owners of two-thirds in value of the real property on any square or street, to cause any existing street, running through or between such property, to be either extended or widened, or both, and to lay out and open new streets through such squares; and cause the damage sustained, and the benefit received by the holders of the property, to be assessed by a jury in the Mayor's Court, subject to an appeal to the Superior Court of Richmond county, in the same manner, and under the same regulations, as are or may be provided by law, or practised in the case of appeals from the Inferior Court of said county; and to cause the assessment so made to be levied by execution, and paid, under such rules and regulations as they shall prescribe. And the said mayor and city council are hereby authorized and empowered to pass all ordinances and bye-laws, which may be necessary and proper to ensure the due and regular execution of all the powers and authority, by this and the foregoing sections of this act in them vested; and to prescribe and regulate all the details, necessary and proper to give effect to the same.

When, and in what manner, any street may be extended or widened, or new ones laid out. Damages, &c. incurred thereby, how ascertained.

General powers of the mayor and city council.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

MADISON.

(No. 657.)

AN ACT*

To amend an act, entitled An act to make permanent the site of the Public Buildings in Morgan County, at the Town of Madison, and to incorporate the same, passed the 12th December, 1809.

Preamble.

WHEREAS, in the second section of the before recited act, that the first Monday in March, annually, is set apart for holding the election for the commissioners of the said town: And whereas, the citizens of said place failed to elect commissioners as contemplated by said act: For remedy whereof;

Commissioners of Madison appointed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That from and immediately after the passing of this act, that Samuel Shields, Roderick Leonard, Alston H. Greene, Samuel B. Hutchinson, and Lancelott Johnston, be, and they are appointed commissioners of the town of Madison, to continue in office until the first Monday in March next, invested with the same powers as if they had been elected agreeable to the provisions of the before recited act.

Their continuance in office.

Vacancies, how filled.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when any vacancy shall happen by death, resignation or otherwise, of any one or more of the commissioners now appointed, or that may hereafter be elected, agreeable to the act to which this act is amendatory, that the then acting commissioners, or a majority of them, shall give at least ten days previous notice, by advertisement at the door of the court-house, of such vacancy, and proceed to hold an election agreeably to such notice; which election shall be superintended by one justice of the peace of said county, with a majority of the then acting commissioners; and the person or persons, as the case may be, hav-

* See the next act.

ing the highest number of votes, shall be considered qualified to act until the first Monday in March thereafter: *Provided*, that the electors shall possess such qualifications as are required by the act to which this is amendatory. (No. 657.)

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 23d November, 1814.

PETER EARLY, GOVERNOR.

AN ACT

(No. 658.)

To amend An act to make permanent the site of the Public Buildings in Morgan county, at the town of Madison, and to incorporate the same, passed the 12th day of December, 1809.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that it shall be lawful for the commissioners of said town of Madison, or a majority of them, to extend the incorporation laws over all the lots and land adjoining said town, laid off for county uses.*

Jurisdiction of the commissioners of Madison extended over certain public lots.

SECT. 2. *And be it further enacted by the authority aforesaid, That the commissioners are hereby vested with full power and authority to make such bye-laws and regulations, and impose and inflict such tax and fines, as in their judgment may be conducive to the good order and government of said town: Provided, that such bye-laws and ordinances be not repugnant to the constitution and laws of this state.*

Said commissioners may pass bye-laws, impose fines and taxes, &c. Proviso.

SECT. 3. *And be it further enacted, That the commissioners of said town of Madison shall take the following oath, before some justice of the Inferior Court, or justice of the peace, for the county of Morgan, viz: I, A. B. do solemnly swear, or affirm, (as*

Said commissioners to take an oath. The oath.

(No. 658.) the case may be,) that I will, to the utmost of my power, perform the duties required of me, as commissioner of the town of Madison; so help me God.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

SAVANNAH.

(No. 659.)

AN ACT

*To alter the mode of holding the Mayor's Court in the city of Savannah, and to increase the jurisdiction thereof.**

Mayor's Court
of Savannah to
be held by the
mayor alone.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the General Assembly of the state of Georgia, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the court heretofore held in the city of Savannah by three presiding aldermen, and called the Mayor's Court, shall be held by the mayor alone.*

Jurisdiction
extended to
\$200.

SECT. 2. *And be it further enacted by the authority aforesaid, That the jurisdiction of the said court be, and is hereby extended and increased to two hundred dollars.*

Salary of the
mayor to be
raised by ad-
ditional costs
on all suits in-

SECT. 3. *And be it further enacted by the authority aforesaid, That the mayor shall receive, for his services as sole judge of said court, a salary or compensation, to be paid out of sums to be collected, as additional costs on each and every suit hereafter brought*

* See title "Judiciary Laws," act of 1819, No. 296, which organizes a court of common pleas and of oyer and terminer for the city of Savannah, and repeals the civil jurisdiction given to the mayor and aldermen, or to the mayor of said city.

and instituted in said court, to be imposed as follows: on every suit not exceeding fifty dollars, the sum of one dollar and fifty cents; on every suit above fifty dollars, and not exceeding one hundred dollars, the sum of two dollars; on every suit above one hundred dollars, and not exceeding one hundred and fifty dollars, the sum of three dollars; and on every suit exceeding one hundred and fifty dollars, the sum of four dollars: which additional costs the clerk of the said Mayor's Court shall be bound to demand, from all and every person or persons, upon the institution of every suit, and to make a regular return and payment thereof to the mayor, as judge of said court, at every sitting of the said court, under the penalty of one hundred dollars, to be enforced by attachment against the said clerk as for a contempt.

(No. 659.)
stituted in said court.

Said costs specified.

Clerk to demand and pay over said costs to the mayor at every session.

Penalty for non-compliance.

SECT. 4. *And be it further enacted by the authority aforesaid, That all laws or parts of laws militating against this act be, and the same are hereby repealed.*

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 660)

To alter the mode of electing a Clerk of the Market for the city of Savannah.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the mayor and aldermen of the city of Savannah shall, at their first regular meeting in the month of October next, and at their first regular meeting in the month of October in each succeeding year, proceed, by ballot, to elect a clerk of the market for the city of Savannah.*

Clerk of the market of Savannah, how elected.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said mayor and aldermen shall give public notice, by advertisement in one of the gazettes published in the said city of Savannah, for the space of ten days, of the time at which the election for the officer aforesaid will take place.*

Ten days notice of such election to be given in some gazette of the city.

(No. 660.) **SECT. 3.** *And be it further enacted by the authority aforesaid, That all acts or parts of*
 Repealing clause. *acts heretofore passed on this subject, which shall militate against the provisions of this*
act, shall be, and the same are hereby repealed.

DAVID ADAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 18th December, 1819.

JOHN CLARK, GOVERNOR.

ATHENS.

(No. 661.)

AN ACT

For the better regulation and government of the Town of Athens, in the County of Clarke.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That*
 Commissioners of the town of Athens appointed. *Thomas P. Carnes, John Brown, Augustin S. Clayton, Samuel Brown and Francis Farrar be, and they are hereby appointed commissioners of said town; and they, and*
 Who may pass bye-laws, &c. *their successors in office, are hereby vested with full power and authority to pass all bye-laws and regulations, which may be necessary for the improvement and keeping in good repair all the streets of the said town, and the public roads leading from the same in every direction, and to the extent of one mile from the college chapel, and no further; and to have kept in repair the public spring, and to pass any other bye-laws, for the better government of said town, as may not be repugnant to, or inconsistent with, the constitution and laws of this state: Provided, nothing herein contained shall be so construed as to extend the powers of said commissioners to the north-east side of the Oconee river.*

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said commissioners, and their successors in office, shall be, and they are hereby authorized to impose*
 May impose a tax.

any tax upon the citizens resident within the bounds aforesaid, for public purposes, (No. 661.) which shall not exceed one dollar on each poll within the term of any one year.

SECT. 3. *And be it further enacted*, That the said commissioners, and their successors in office, may impose any fines or penalties not incompatible with the constitution or laws of this state: *Provided*, that no penalty thereby imposed shall extend to corporal punishment, (except to people of colour,) whose punishment for any one violation of the bye-laws of the corporation shall not exceed thirty-nine lashes.

May impose fines and penalties.
Proviso.

SECT. 4. *And be it further enacted*, That the said commissioners be, and they, or a majority of them, are hereby authorized to appoint, at their first meeting, which shall be in the college chapel, within forty days after the passing of this act, a town constable and clerk, if they deem such officers, or either or both of them necessary; the former of whom shall faithfully execute the laws and regulations of the said commissioners, and their successors in office, and the latter faithfully record their proceedings.

May appoint a town constable and clerk.
Duty of said constable and clerk.

SECT. 5. *And be it further enacted*, That the commissioners herein appointed shall continue in office until the first Saturday in January, eighteen hundred and seventeen; on which day, and on every first Saturday in January thereafter, all the free male white citizens of said town, or residing within the bounds aforesaid, who have given in their taxable property, and who are entitled to vote for members of the General Assembly, shall assemble at the said college chapel in Athens, and between the hours of ten o'clock in the forenoon, and four in the afternoon of that day, and elect by ballot other commissioners, who shall continue in office one year; two justices of the peace of the said county of Clarke shall preside at and certify the state of the polls to the persons elected; which certificate shall authorize them to exercise the functions of their offices during the ensuing year: *Provided*, that nothing herein contained shall be so construed as to prevent the election of the commissioners herein before named; and any person or persons who may hereafter be elected commissioners of said town, shall be eligible at the next, or any subsequent election, after the expiration of the time for which he or they may have been elected as commissioners under this act.

Continuance in office of said commissioners.
Election of commissioners, time and manner of holding.
Proviso.

SECT. 6. *And be it further enacted*, That all laws militating against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

DARIEN.

(No. 662.)

AN ACT

To amend an act, entitled An act to regulate the Town of Darien, in the county of McIntosh, passed the twenty-second of December, eighteen hundred and eight.

Election of commissioners for the town of Darien, how and when held.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* *That the election of commissioners for the town of Darien shall be held and conducted by two justices of the peace, or of the Inferior Court, or one justice as aforesaid and one or more freeholders, which said election shall be held at the time and manner pointed out by the above recited act; and the said superintenders shall certify the five persons having the highest number of votes; which five persons shall be the commissioners of the town of Darien as aforesaid, until their successors shall have been elected at the time prescribed by the above recited act.

Slaves and free people of colour in said town, not liable to road labour, but shall work on the streets of said town, &c.
Penalty on the owners of slaves for not furnishing hands to work as aforesaid.

SECT. 2. *And be it further enacted,* †That all male slaves whose usual place of residence is in the town of Darien, as well as all free male persons of colour, shall not be liable to work on the roads of said county, but shall be subject to work on the streets and commons of the said town of Darien, in such manner as the commissioners, or a majority of them, shall direct; and all persons owning slaves in said town, liable to work as aforesaid, shall pay two dollars per day for each hand he, she or they shall fail to furnish, after they shall have been notified by order of said commissioners, to be recovered by warrant from under the hand of said commissioners, or a majority of them, directed to any lawful constable; who is hereby authorized to levy and collect the same, in the same manner as practised in case of executions issuing from a justice's court, and pay over the same, in thirty days, to said commissioners.

Penalty on free persons of colour for not working as aforesaid.

SECT. 3. *And be it further enacted,* That all free persons of colour, subject by this act to work on the streets and commons of Darien, who shall fail to attend and perform

* See act of 1816, No. 663, to incorporate the town.

† See the 9th and 10th sections of the act of 1816.

the duties required of them by this act, when notified by order of the said commissioners, or a majority of them, shall forfeit and pay the sum of two dollars for every day he shall fail to work as aforesaid, to be recovered by warrant from under the hands of the said commissioners, or a majority of them; which shall be levied and collected in the same manner, and under like restrictions, as other forfeitures pointed out by this act. (No. 662.)

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of the before recited act, passed on the twenty-second day of December, eighteen hundred and eight, and all other acts or parts of acts, militating against this act, be, and the same is hereby repealed. Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 8th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 663.)

*To incorporate the Town of Darien.**

WHEREAS, from the increase of population and growing importance of the town of Darien, it is necessary that many regulations should be made for the preservation of peace and good order within the same: Preamble.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, all persons, citizens of the United States, and residing within the said town, shall be deemed, and they are hereby declared to be a body corporate and politic; and there shall be an intendant and council for the said town; and they and their successors, hereafter to be appointed, shall have perpetual succession, and be styled and known by the name of the Intendant and Council of the town of Darien; and shall have a common seal, and be capable in law to pur- Town of Darien incorporated.
Shall have an intendant and council.
Their style.
Shall have a common seal.

* This act amended by act of 1818, No. 664, by which Darien is made a city.

(No. 663.) chase, have, hold, enjoy, receive, possess and retain, to them and their successors, for the use of the said town of Darien, in perpetuity, or for any term of years, any estate, real or personal, messuage, lands, tenements or hereditaments, of any kind soever, within the limits of the said town; and to sell, alien, exchange or lease the same, or any part thereof, as they shall think proper; and by the same name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and they shall also be vested with full power and authority, from time to time, under the common seal, to make and establish such bye-laws, rules and ordinances, respecting the harbour, streets and public buildings, work-houses, markets, wharves, public houses, carriages, waggons and carts, drays, pumps, buckets, fire-engines, and in general every other bye-law or regulation that shall appear to them necessary for the security, welfare, convenience and advantage of the said town; and the said intendant and council shall also be vested with full power and authority, to make such assessments on the inhabitants of the said town, or those who hold taxable property within the same, for the safety, benefit, convenience and advantage of the said town, as shall appear to them expedient; and to affix and levy fines for all offences committed against the bye-laws of the said town; and they are hereby authorized to appoint a clerk, treasurer, health officer, harbour master, flour inspector, (when the justices of the Inferior Court neglect to appoint agreeable to law,) fire masters, town marshals, constables, and all such other officers as shall appear to them requisite and necessary for carrying into effectual execution all the bye-laws, rules and ordinances they may make, for the good order and government of the said town and the persons residing therein: *Provided*, that nothing herein contained shall authorize the said intendant and council to make any bye-laws, rules or ordinances, repugnant to the constitution or laws of this state.

May hold real property within the limits of said town, for the use thereof.
May dispose of the same.
May sue and be sued, &c.
May pass bye-laws, &c.
May assess taxes.
And affix and levy fines.
Officers, whom they may appoint.
Provided.

Who shall preside at the annual election of the council for said town.

Qualification of the members of said council.

Who may vote.

Duty of the superintendants of said election.

Oath of office to be administered to the persons so elected.

The oath.

SECT. 2. *And be it further enacted*, That any one magistrate of the county of McIntosh, and one freeholder, or three freeholders of the county aforesaid, shall, on the second Monday in January after the passing of this act, and on the second Monday in January annually thereafter, superintend, in the said town of Darien, the election of five members, to constitute the council of the said town; and which said five members of the council shall be freeholders of the county of McIntosh, and have resided six months within the said town; and that all free white persons, being citizens of the United States, and residing six months within the said town, shall be entitled to vote for five members, to form the council aforesaid; and the superintendants, when the election is closed, shall give notice to the persons elected of their appointments, and summon them to meet together, at any time and place, within ten days after their election, for the purpose of taking the oath of office prescribed by law; which oath may be administered by any justice of the peace, or by one of the members so chosen to another: *Provided*, three be present at the time of administering the same; and shall be in the words following: I, A. B. do solemnly swear, or affirm, that I will, to the utmost of my power,

support, advance, protect, and defend the good order, peace and welfare of the town of (No. 663.) Darien and its inhabitants ; and will faithfully demean myself in the office of intendant, (or member of the council, as the case may be,) for the town of Darien, according to the laws and regulations thereof, to the best of my skill and judgment ; and that I will support the constitution of this state, and the constitution of the United States.

SECT. 3. *Be it further enacted,* That when three or more of the said members shall have met and qualified as aforesaid, they shall, within ten days thereafter, call a meeting of the said members, and elect from their own body an intendant of the said town, the concurrence of three being necessary to a choice ; and the said intendant, or in case of his absence or disability, any two of the members, shall and may, as often as occasion may require, summon the members to meet together in council, any two of whom, with the intendant, or any three, shall be competent to proceed to business. And should a vacancy happen by death, resignation or otherwise, it shall be filled by the people qualified to vote for the said members of council, who shall be notified thereof ten day previous to the election.

Intendant of said town, when, and how elected.

How many may constitute a board.

Vacancies, how filled.

SECT. 4. *Be it further enacted,* That the intendant and members of the said council shall, each of them, have full power and authority to keep peace and good order within the said town, to issue warrants, and cause all offenders to be brought before them, and, on examination, either to release, admit to bail, if the offence be bailable, or commit to the custody of the sheriff of the county of McIntosh, except in cases hereafter provided for ; whose duty it shall be to receive the same, and keep in safe custody until discharged by due course of law ; and the said intendant, and every of the members of the said council for the time being, shall be vested with all the powers and authorities that justices of the peace are vested by the laws of this state, and shall exercise the same in every part of the said town, for the preservation of the peace and good order thereof.

Powers of the said intendant and council, with regard to the public peace, &c. in said town.

Vested with the powers of justices of the peace.

SECT. 5. *Be it further enacted,* That it shall and may be lawful for the said intendant, or, in his absence, any three of the council, and they are hereby empowered, at any time after the passing of this act, to hold courts once in every month throughout each year, to appoint such officers as they may think necessary, to settle and allow said officers reasonable fees, and to have jurisdiction of, and to hear and determine all civil cases not involving the right or title to any land or real estate, so the demand in each suit does not exceed the sum of fifty dollars, and to give judgment and award execution therein, according to law : *Provided,* that if any party to a suit shall feel him, her or themselves aggrieved by the decision of the said court, it shall and may be lawful for such party to enter an appeal, within three days after such trial, first paying all costs which may have accrued on such trial, and giving sufficient security to abide and perform the sentence of the court at the trial of the appeal ; and all appeals from the decision of the said court

Said intendant, &c. authorized to hold monthly courts, and to appoint officers.

Their jurisdiction of causes.

Proviso

Appeals

(No. 663.) shall be tried at the succeeding court-day, unless good excuse is given for continuing Continuance. longer such trial; which trial shall be by a jury of seven men, whose verdict shall be Proviso. final: *Provided*, such continuance shall not exceed three terms.

Bail.

Said intendant, &c. may draw and empanel jurors. Said jurors finable for non-attendance.

Proviso.

SECT. 6. *Be it further enacted*, That the said intendant and council shall have the like power and authority to hold to bail, for debts within their jurisdiction, under like restrictions as are pointed out for the Superior and Inferior Courts; and shall have power to draw and empanel jurors for the trial of appeals, who shall be resident within their jurisdiction, and shall be qualified and liable to serve as jurors, to cause them to be summoned at least five days before the said court, and to fine them for non-attendance, or other misconduct, in such manner as they may think proper; and shall have power to award execution for such fines, and cause the goods of the persons so incurring such fines, to be sold by virtue thereof: *Provided*, such fine shall not exceed ten dollars.

Said intendant, &c. in their judicial capacity to be regulated by the judiciary laws of the state.

Their court to be of record.

Town marshal, his powers.

Proviso.

SECT. 7. *Be it further enacted*, That the said intendant and council shall, in all judicial proceedings, have reference to, and be governed by the laws in force in this state, for regulating the judicial proceedings thereof; and the said court of intendant and council thereof is declared to be a court of record, and any persons necessarily going to, being at, or returning therefrom, shall be free from arrest on any civil suit.

SECT. 8. *Be it further enacted*, That the town marshal shall have the power of selling real estate in said town, under execution issued by the intendant and council: *Provided*, all sales made by him of real estate or negroes, shall be on the first Tuesday in each month, and advertised at least thirty days in one of the public gazettes of Savannah.

Liability of the white inhabitants, slaves, and free people of colour, to work on the streets.

Fine upon defaulters.

SECT. 9. *And be it further enacted*, That the said intendant and council of the said town of Darien, are hereby fully empowered and authorized to call out all the white male inhabitants living in the said town, and all the negro slaves and free persons of colour residing in said town, liable by the road laws of the state to work upon the public roads, to work upon the streets and commons of said towns; and shall assess and levy a fine of two dollars for every day's default of any such person so liable to work as aforesaid.

Persons working on said streets exempt from road labour.

SECT. 10. *And be it further enacted*, That all such persons working upon the streets and commons of the town of Darien be, and they are hereby exempted from labour upon any of the roads in McIntosh county.

Insolvent debtors, &c. may be confined in the jail of Darien, until one be built at the court-house.

SECT. 11. *And be it further enacted*, That the intendant and council shall have power and authority to confine all insolvent debtors within their jurisdiction, as well as all offenders against the peace and good order of the state, in the jail of Darien, until such time as the county shall build a jail at the court-house.

SECT. 12. *And be it further enacted,* That the intendant and council of Darien shall (No. 663.)
have the appointment of the jailor in the town of Darien; and it shall be lawful for Jailor and jail
the citizens of McIntosh county to confine all runaway negroes, as well as all ne- of Darien.
groes or free persons of colour, charged with any offence against the state, in the jail of
Darien, until the county jail is built as aforesaid; and the jailor shall be allowed the
same fees as is allowed the jailor in Savannah.

SECT. 13. *And be it further enacted,* That all laws or parts of laws militating against Repealing
this act be, and the same are hereby repealed. clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 664.)

*To make the Town of Darien a City, and to amend an act, entitled An act to incor-
porate the Town of Darien.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Geor-
gia, in General Assembly met, and it is hereby enacted by the authority of the same, That* Darien made
from and immediately after the passage of this act, the town of Darien shall be called a city.
and known as the city of Darien.

SECT. 2. *And be it further enacted,* That in the place of an intendant and council, the Shall have a
city of Darien shall have a mayor and aldermen. And the aldermen shall be elected at mayor and
the same time, and in the same manner as is now pointed out by law for electing mem- aldermen.
bers of council; and the citizens of the city of Darien shall be entitled to seven per- Aldermen,
sons as aldermen, at their next election, and that number annually thereafter; and the how elected.
aldermen shall, within three days after their election, elect a mayor from their own Seven in num-
body: and the mayor and aldermen shall take the same oath, and possess the same qua- ber.
lifications, and shall have all the powers and jurisdiction now possessed by the inten- Mayor elected
The oath, out of their
Qualifications own body by
said aldermen.

(No. 664.) dant and council of the town of Darien, not militating against the provisions of this act.
and powers of the said mayor and aldermen.

Jurisdiction of the Mayor's Court extended to \$100.
Mayor's fees.
Appeals from his decision.

SECT. 3. *And be it further enacted*, That the jurisdiction of the Mayor's Court of the city of Darien shall be increased to one hundred dollars; and in holding the Mayor's Court for the trial of civil cases, the mayor shall preside; and he shall be allowed the same fees as are allowed the mayor of Savannah, on sums of like amount; and any person, dissatisfied with the decision of the mayor, may appeal to a jury, in the manner now provided for in the intendant's and council's court of the town of Darien; and the same proceedings shall be had on all such appeals; and it shall be lawful for the city marshal to advertise his sales in any gazette in the city of Darien.

Repealing clause.

SECT. 4. *And be it further enacted*, That so much of an act, passed on the twelfth day of December, eighteen hundred and sixteen, entitled An act to incorporate the town of Darien; and all other acts and parts of acts militating against the provisions of this act, be, and the same are hereby repealed.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 18th December, 1818.

WILLIAM RABUN, GOVERNOR.

JACKSONVILLE.

AN ACT

(No. 665.)

To incorporate the Town of Jacksonville, in the county of Telfair.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That Charles M^cKinyan, Abel L. Hatton, William Harris, Nathaniel Ashley and Noah Palmour, be commissioners of said town; and they, and their successors in office, shall have full power and authority to pass all bye-laws and regulations, which may be necessary for the improvement and repairing the streets, springs, and internal police of said town, and the preservation, repairs, and charge of the public buildings in said town: *Provided nevertheless,* that such bye-laws, rules and regulations shall not be repugnant to the constitutional laws of this state; and that no penalty thereby imposed shall extend to corporal punishment, except to people of colour; nor shall any tax upon the people of said town be imposed, which shall exceed one dollar upon each poll for the same year.

Commissioners of Jacksonville appointed.

Who may pass bye-laws, &c.

Proviso.

SECT. 2. *And be it further enacted,* That the said commissioners shall continue in office until successors are elected in their place; and it shall be lawful, on the first Monday in January in every year, for all the free male citizens of the said town, above the age of eighteen, to assemble at the court-house in said town, and by ballot elect five commissioners; at which election two justices of the peace for said county shall preside, as judges of the election.

Their continuance in office.

Commissioners to be annually elected, on the first Monday in January.

SECT. 3. *And be it further enacted,* That the powers confided to this incorporation shall not exceed the limits of the lands belonging to the public, and that the name of Jacksonville is here intended to perpetuate the name and memory of the late hero of New Orleans.

Limits of the corporation.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

WATKINSVILLE.

(No. 666.)

AN ACT*

For the better regulation of the Town of Watkinsville, in the county of Clarke.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* George W. Moore, Ira E. Paschal and George Rockfort, shall be commissioners of said town, and their successors in office, in place of Bedford Brown, Edward Bond and Robert Echols, removed; and shall have full power and authority to pass all bye-laws and regulations, which may be necessary for the improvement and repairing of the streets of the said town, and the preservation of the public springs: *Provided*, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state, and that no penalty thereby imposed shall extend to corporal punishment, except to people of colour: *And provided also*, that the said commissioners shall not impose any tax upon the citizens of the said town, which shall exceed one dollar on each poll, within the term of one year.

Commissioners of Watkinsville appointed in the place of those removed.

Who may pass bye-laws, &c.

Proviso.

Proviso.

SECT. 2. *And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, eighteen hundred and seventeen, and on the first Monday in every year thereafter; on which day all the free male white citizens of the said town, who have given in their taxable property, and who are entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election two justices of the peace for said county shall preside: Provided nevertheless, That the said commissioners shall be re-eligible to the said appointment.*

Their continuance in office.

Election of commissioners.

Who shall preside thereat.

Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 14th December, 1815.

D. B. MITCHELL, GOVERNOR.

* Amended by act of 1816, No. 667.

AN ACT

(No. 667.)

To amend An act passed the 14th December, 1815, for the better regulation of the town of Watkinsville, in the county of Clark.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* the commissioners of the town of Watkinsville be, and they are hereby authorized and empowered to pass such bye-laws for the better regulation and government of said town as they, or a majority of them, may deem necessary, not inconsistent with the laws or constitution of this state.

Commissioners of Watkinsville, or a majority of them, may pass bye-laws, &c.

SECT. 2. *And be it further enacted, That* said commissioners shall have full power to impose a tax on all shows, exhibition and show-men, performing in said town for the purpose of gain; and also upon gaming tables and games of hazard that may be established, opened or played in the said town, and to proceed to the collection of the same in such summary manner as may be prescribed in the bye-laws and regulations of said town: *Provided*, that the tax so to be imposed upon shows and show-men shall not exceed ten dollars for each day's exhibition or performance, and that the tax so to be imposed upon gaming tables and games of hazard shall not exceed fifty dollars for each day that the same may be established, opened or played in said town; and in case any person or persons who are liable for the same, shall refuse to pay any tax imposed or assessed by any bye-law or regulation of said town, in pursuance of the authority of this act, then, and in that case, the commissioners of said town, or a majority of them, shall, and they are hereby authorized to issue their warrant, directed to any officer, to be by them appointed, requiring him to collect, levy and make sale of the goods and chattels of the person or persons so refusing to pay the amount of the tax so imposed or assessed, and all lawful costs: *Provided*, such costs shall not exceed the costs allowed by law to justices of the peace and constables in like cases: *And provided also*, that sales to be made by virtue of said warrant shall be advertised at least ten days at the court-house in said town.

May impose a tax on shows, &c.

And on gaming tables, &c.

Proviso.

Proceedings against any person refusing to pay any tax imposed by the bye-laws, &c.

Proviso.

SECT. 3. *And be it further enacted, That* the said commissioners shall cause to be established and enforced, a strict patrol, either by day or by night, within the limits of said town, and in case of neglect or refusal in any citizen of said town, to comply with the bye-laws and regulations to be by the said commissioners ordained and established upon this subject, that the said commissioners, or a majority of them, may proceed to fine such citizen, and to collect such fine in such manner as is herein before prescribed

Duty and power of the commissioners concerning patrols in said town.

(No. 667.) for the collection of taxes: *Provided*, that the fines to be imposed in virtue of the power derived under this act shall not exceed five dollars for each case of neglect or refusal.

Taxes and
fines, how to
be appropri-
ated.

SECT. 4. *And be it further enacted*, That the said commissioners do, and they are hereby authorized to appropriate all taxes and fines imposed, assessed and collected in virtue of any bye-laws or regulations adopted in pursuance of the authority given in this act, to the repair and improvement of the public springs, square and streets of said town.

Repealing
clause.

SECT. 5. *And be it further enacted*, That all laws and parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 19th December, 1816.

D. B. MITCHELL, GOVERNOR.

GREENSBOROUGH.

(No. 668.)

AN ACT*

To amend an act, entitled An act for the better regulation of the town of Greensborough, and for the appointment of Commissioners of the Academy of the county of Greene and Siloam Meeting-house, in said county; and to amend an act, entitled An act for the better regulation of the town of Greensborough, and for the appointment of Commissioners of the county of Greene and Siloam Meeting-house in said county, and to incorporate the same.

Commission-
ers of the
town of
Greensboro'

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*; That the commissioners of the town and corporation of Greensborough, for the time being,

* See the two acts which follow this act.

and their successors in office, shall have full power and authority to impose such tax or taxes on the inhabitants of said town and corporation as they may deem necessary for the purpose of improving and keeping in good order the springs within the limits of said incorporation, commonly called and known by the name of Rucker's spring, Armor's or Rock spring, and Park's spring: *Provided*, that such tax shall not exceed the sum of one dollar on each and every person liable by law to pay a poll tax, or who shall be the head of a family without being so liable, within the term of one year.

(No. 668.)
authorized to
assess taxes
upon the in-
habitants
thereof.

Proviso.

SECT. 2. *And be it further enacted*, That the said commissioners shall have full power and authority to impose a tax, not exceeding five dollars for every twenty-four hours, or any term under that time, upon all and every person or persons who shall open or establish a Faro-bank, A. B. C. or Equality table, or any table upon what is denominated "light construction," within the jurisdiction and limits of said corporation; and also a tax, not exceeding five dollars per week, or any term under that time, upon all and every person or persons who may open or make any public show or exhibition of wax-work, rope dancing, puppet-show, circus riding, fire-works, or any other public show or exhibition whatsoever, in any public or private house, or in any other place or places within the jurisdiction and limits of said corporation.

May tax Faro-
banks, and
gaming tables.

Also shows,
show-men,&c.

SECT. 3. *And be it further enacted*, That the said commissioners shall have full power and authority to appoint, from among the persons residing within the limits of said corporation, a patrol or patrols for said corporation, at such times and on such occasions as they may deem proper: *Provided*, that one person at least, of those composing such patrol or patrols, shall be a slave-holder, and that no punishment inflicted by such patrol or patrols on any slave or slaves shall exceed moderate correction: *Provided also*, that all and every person or persons who shall refuse to do patrol duty, when required as aforesaid, shall, without good excuse to be rendered to said commissioners, be liable to be fined by said commissioners in any sum not exceeding five dollars, and the said delinquent shall have five days notice in writing, of the time and place for hearing said excuse.

May appoint
patrols.

Proviso.

Proviso.

SECT. 4. *And be it further enacted*, That all monies now in the hands of the commissioners, or that may now be due or owing to them by bonds, notes or otherwise, shall be reserved for and applied by said commissioners, to the sole and exclusive use and support of the academy of said county, and to the improving and keeping in repair Siloam meeting-house, to be disbursed by them for the purpose or purposes aforesaid, at such times and on such occasions as they shall deem necessary and proper.

Monies of the
corporation to
be appropri-
ated to the
use of the aca-
demy, and to
the improv-
ing, &c. of
Siloam meet-
ing-house.

(No. 668.)

Said commissioners may punish contempts in their presence.

SECT. 5. *And be it further enacted,* That said commissioners shall have full power and authority to punish all and every contempt or contempts committed in their presence while sitting as a board: *Provided,* that no fine imposed for any single offence aforesaid, shall exceed the sum of twenty dollars.

Taxes and fines arising under the 2d and 5th sections of this act to be applied to the use of the academy and meeting-house aforesaid.

SECT. 6. *And be it further enacted,* That all tax or taxes, and fine or fines, arising under the second and fifth sections of this act, shall be applied exclusively to the use and support of the academy aforesaid, and the improving and keeping in repair Siloam meeting-house; and that any fine or fines arising under the third section hereof, shall be applied to such purposes as the discretion of said commissioners may direct.

Fines for contempts, how collected.

Other fines and taxes, how collected.

SECT. 7. *And be it further enacted,* That all and every fine or fines arising under the aforesaid fifth section, shall be collected in such manner and form as such contempts are usually collected by the Superior Court at common law; and that all other fines or taxes arising under this act, shall be collected by executions signed by said commissioners, or a majority of them, and directed to any officer of said commissioners, or to any other person (in case there should be no officer,) who shall be authorized to levy the same on the property, both real and personal, of the person or persons so taxed or fined, and shall expose the same to sale at the door of the court-house in said town, between the hours of ten and three: *Provided,* that such officer or other person selling the same, shall give at least ten days notice by advertisement in two of the most public places in said town, of such intended sale.

Proviso.

Commissioners to compel the inhabitants, &c. to work upon the streets, who shall be exempt from road labour.

SECT. 8. *And be it further enacted,* That the said commissioners of the town shall have the entire control of all the citizens and hands who actually reside within the limits of the corporation, that are liable to work on roads, for the express purpose of keeping all the streets of said town in good repair; and that the said citizens and hands shall not be liable to work upon the district roads; but the commissioners of the roads shall have full power to control the direction of all hands liable to work on roads, who actually reside without the jurisdictional limits of the said corporation.

A majority may constitute an efficient board. May pass bye-laws, &c.

SECT. 9. *And be it further enacted,* That a majority of said commissioners shall be sufficient to constitute a board to carry this act into execution; and that such board shall have full power and authority to pass all bye-laws, rules and regulations which may be necessary to the government and well-being of said corporation: *Provided,* such bye-laws, rules or regulations, be not repugnant to the constitution and laws of this state, or of the United States.

Proviso.

SECT. 10. *And be it further enacted,* That all laws and parts of laws militating against this act be, and the same are hereby repealed.

(No. 668.)
Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 669.)

Amendatory of the several acts relating to the town of Greensborough.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January next the commissioners of the town of Greensborough, and of the academy for the county of Greene, shall be separate and distinct, and that all funds now in the hands of, or possession of the joint commissioners of both, which of right belong to the county academy, shall, immediately after the said first day of January next, be delivered over to the commissioners of said academy herein after appointed.

Commission-
ers of the
town of
Greensboro'
and of the
academy,
made separate
and distinct.

SECT. 2. *And be it further enacted by the authority aforesaid,* That Ezekiel E. Parke, Thomas Wingfield, Ebenezer Torrence, Nicholas Lewis and James F. Foster be, and they are hereby appointed commissioners of the academy aforesaid.

Commission-
ers of said
academy ap-
pointed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the town of Greensborough to cause all the public roads leading to and from said town to be worked on and kept in repair, to the distance of one mile from the limits of the corporation thereof, in the manner prescribed by the road laws of this state; and for this purpose said commissioners shall have the control of all the hands liable to work on the public roads, who reside in said town, or within the distance of one mile as aforesaid.

Roads leading
from said
town, duty
and powers of
the commis-
sioners with
regard there-
to.

(No. 669.) **SECT. 4.** *And be it further enacted by the authority aforesaid, That all laws and parts of laws militating against this act shall be, and the same are hereby repealed.*

Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 670.)

AN ACT

Amendatory of the several laws now in force, extending the powers of the Commissioners of the town of Greensborough.

Preamble. WHEREAS, it has been found impracticable for the commissioners of said town of Greensborough to preserve good order and government within the corporate limits thereof, for the want of more extensive and salutary powers; for remedy whereof,

Commission-
ers of Greens-
boro' may pass
bye-laws, in-
flict pains and
penalties, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of said town, who are appointed, and who may be hereafter appointed by the provisions of former laws now in force, shall have full power and authority to make such bye-laws and regulations, and to inflict or impose such pains and penalties as shall be conducive to the good order and government of said town: Provided, that such bye-laws and regulations be not repugnant to the laws and constitution of this state, or the United States.*

Proviso.

Said commis-
sioners, or a
majority of
them, may as-
sess taxes.

SECT. 2. *And be it further enacted, That it shall and may be lawful for the said commissioners, or a majority of them, annually, or oftener if occasion may require, to make, lay or assess one or more rate or rates, assessment or assessments, upon all and every person or persons, who do or shall inhabit, hold, use or occupy, possess or enjoy any lot, ground, house or place, building, tenement or hereditament, in any square, street or place, within the corporate limits of the town of Greensborough aforesaid, for raising such sum or sums of money as the said commissioners, or a majority of them shall, in their*

discretion, judge necessary for, or towards carrying this act into execution ; and in case (No. 670.) of refusal or neglect to pay such rate or assessment, the same shall be levied and recovered in the manner herein after directed : *Provided*, that no such rate or assessment shall be appropriated to the payment of the president or commissioners for their services, but they shall serve in their said appointments without fee or reward. Proviso.

SECT. 3. *And be it further enacted*, That all rates and assessments, pains, penalties or forfeitures laid or incurred under this act, shall be levied and recovered by warrant of distress and sale of the offender's goods, under the hands and seals of the president, or a majority of the commissioners of said town of Greensborough. Assessments, penalties and forfeitures, how collected.

SECT. 4. *And be it further enacted*, That the said president and commissioners, by their secretary, advertise twice a year in said town, an account of the expenditures of all monies which they shall receive by virtue of this act, for the information of the inhabitants of said town. Said commissioners shall advertise semi-annually an account of their expenditures.

SECT. 5. *And be it further enacted*, That the commissioners of said town, for the time being, and their successors in office, are hereby vested with the powers and authority of justices of the peace within the limits of said town of Greensborough, during the time that they act as commissioners. Shall have the powers of justices of the peace in said town.

SECT. 6. *And be it further enacted*, That on all sales made by vendue masters, within the corporation of the said town of Greensborough, such vendue master or masters shall pay over to the commissioners of the Greene county academy, one per centum on the amount of such sales made by them, for the use of said academy. Vendue masters in said town to pay one per cent. on the amount of their sales to the commissioners of the county.

SECT. 7. *And be it further enacted*, That all laws or parts of laws militating against this law be, and the same are hereby repealed. Repealing clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 29th November, 1819.

JOHN CLARK, GOVERNOR.

IRWINTON.

(No. 671.)

• AN ACT*

To incorporate the town of Irwinton, in the county of Wilkinson.

Commission-
ers of Irwin-
ton appointed. They or a ma-
jority of them
may pass bye-
laws, &c.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Solomon Worrel, David Roland, Adam Hunter, Peter McArthur and William Beck, shall be the commissioners of said town; and they and their successors in office, or a majority of them, shall have full power and authority to pass all bye-laws and regulations which may be necessary for improving and repairing the public square, streets and springs of said town, and the promotion of public good: Provided, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state; and that no penalty thereby imposed, shall extend to corporal punishment, (except on slaves or persons of colour :) And provided also, that said commissioners shall not impose any poll tax upon the citizens of said town, which shall exceed one dollar within the term of one year.*

Their continu-
ance in office.
Election of
commissioners
to take place
annually on
the 1st Mon-
day in Janua-
ry.
Provision in
case no elec-
tion shall be
held on the

SECT. 2. *And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, eighteen hundred and eighteen, on which day, and on the first Monday in every January thereafter, all the free male white citizens of said town, who shall be entitled to vote for members of the General Assembly, shall assemble at the court-house of said county, and by ballot elect five other commissioners, who shall continue in office for one year; and in case it should so happen, that such election should not be held on the day required by this act, that the commissioners then in office, shall continue until such election may take place; at which election, any two*

* Amended by act of 1817, No. 672.

justices of the peace for said county, not a candidate, shall preside : *Provided nevertheless*, that said commissioners shall be re-eligible to said appointments.

(No. 671.)
day pre-
scribed.
Proviso.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 672.)

*To amend An act to incorporate the Town of Irwinton, in the county of Wilkin-
son, passed the 4th December, 1816.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases where a vacancy shall take place by death, resignation or otherwise, of any of the commissioners of the said town of Irwinton, the vacancy shall be filled by an election for a successor ; which election shall be advertised by any two justices of the peace for said county, giving ten days previous notice at the court-house in said county, and the person so elected shall be a commissioner of said town, until successors are elected agreeably to the law to which this is amendatory.

Vacancies
how filled.

SECT. 2. *And be it further enacted, That* the corporation of said town shall extend the distance of four hundred yards, each and every way from the court-house in said town.

Limits of the
corporation.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

CLINTON.

(No. 673.)

AN ACT

To incorporate the Town of Clinton, in the county of Jones, and for the appointment of Commissioners for the better regulation and government of said town.

Commission-
ers of the
town of Clin-
ton appointed.
Their powers.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That James Jones, Zachariah Pope, James Sapfold, Ebenezer J. Bowers, John Mitchell, Bolar Allen and Jonathan Parrish, be commissioners of said town; and they and their successors in office, shall have full power and authority to pass all bye-laws and regulations which may be necessary, and inflict or impose such fines, penalties and forfeitures, and to do such other incorporate acts as in their judgment shall be conducive to the good order and government of the said town of Clinton, and for the prevention of vice and other immoralities: Provided, such bye-laws and regulations be not repugnant to the constitutional laws of this state.*

Continuance
in office.
An election
for commis-
sioners to be
held annually.
Who shall
preside there-
at.
Proviso.
Vacancies,
how filled.

SECT. 2. *And be it further enacted, That the said commissioners shall hold their respective appointments hereby given them, until the first Tuesday in January, eighteen hundred and eighteen, at which time, and on every subsequent year thereafter, the citizens of the town of Clinton, entitled to vote for members of the General Assembly, shall choose by ballot, seven persons to succeed them as commissioners, at which election, two justices of the peace, or two justices of the Inferior Court for said county, shall preside as judges of said election: Provided always, that nothing herein contained shall be so construed as to prevent the present named commissioners, or their successors in office, from being eligible to serve, if re-elected; and in case any vacancy shall be occasioned by death, resignation or otherwise, the vacancy shall be filled by election, ten days previous notice being given, in writing, by two or more of the commissioners, at two or more of the most public places in said town.*

Jurisdiction of
the corpora-
tion.

SECT. 3. *And be it further enacted, That the powers confided to this corporation shall not exceed or extend beyond the limits of the said town of Clinton, and the lands belonging thereto.*

SECT. 4. *And be it further enacted*, That any law militating against this act be, and (No. 673.)
the same is hereby repealed. Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 4th December, 1816.

D. B. MITCHELL, GOVERNOR.

APPLING.

AN ACT

(No. 674.)

*To appoint Commissioners for the better regulating and government of the Village
of Appling, and for incorporating the same.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That from and after the passing of this act, the following persons, to wit: Garah Davis, John W. Liggon, George Cary and William E. Offutt be, and they are hereby appointed commissioners of the village of Appling, in the county of Columbia; and that they, or a majority of them, shall, immediately after the passing of this act, convene at Columbia court-house, and proceed to the appointment of a clerk, and such other officers as they may deem necessary to carry this act into execution. Commission-
ers of the vil-
lage of Ap-
pling appoint-
ed.
Who shall ap-
point neces-
sary officers.

SECT. 2. *And be it further enacted*, That the said commissioners shall hold their respective appointments hereby given them, until the first Monday in January, 1818, at which time, and on every subsequent year thereafter, the citizens of the village of Appling, entitled to vote for members of the General Assembly, shall choose by ballot four persons to succeed them as commissioners of said village; and they shall have, and they are hereby vested with full power and authority to make all such bye-laws and regulations, and inflict or impose such pains, penalties and forfeitures, and do all other Continuance
in office of
said commis-
sioners.
An election
for commis-
sioners to be
held annually.
Their powers.

(No. 674.) incorporate acts, as in their judgments shall be conducive to the good order and government of the said village of Appling : *Provided*, that such bye-laws and regulations be not repugnant to the laws and constitution of this state : *And provided also*, that the punishment on slaves shall not extend to the affecting life, limb or member.

Limits of the corporation.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the limits or extent of the corporation shall extend three hundred yards north of the court-house of said county, and the same distance east, south and west of the same, forming a square as near as may be, around the said court-house.

Two or more justices of the peace to preside at said election.

Commissioners re-eligible.

Provision in case no election should be held on the day prescribed.

SECT. 4. *And be it further enacted*, That any two or more justices of the peace for the county of Columbia are hereby authorized and required to preside at such election for commissioners aforesaid ; that nothing herein contained shall be so construed as to prevent the re-election of any commissioner, pursuant to this act.

SECT. 5. *And be it further enacted*, That should there be no legal election held on the days pointed out by this act, for that cause this act of incorporation shall not be void, but an election may be held on any other day after ten days notice, within three months.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

POWELTON.

AN ACT*

(No. 675.)

For the better regulation and government of the Town of Powelton, in the county of Hancock.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That Sampson Duggar, Reuben T. Battle, Thomas Crowder, Nicholas Childers, Charles Williamson, Charles W. Callier and Stephen Weston be, and they are hereby appointed commissioners of the town of Powelton, and that they, or a majority of them shall, immediately after the passing of this act, convene and proceed to the appointment of a chairman, clerk, treasurer, and town constable, and such other officers as they may deem necessary to carry this act into execution.

Commissioners of the town of Powelton appointed.

Who shall appoint a chairman and other officers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners shall hold their respective appointments hereby given until the second Monday in January, eighteen hundred and eighteen, at which time, and on every subsequent second Monday in January thereafter, the citizens of Powelton, entitled to vote for members of the General Assembly, shall convene at the male academy in said town, and there, between the hours of nine and three o'clock of the same day, proceed by ballot to the choice of seven freeholders, as commissioners of said town; and where a vacancy shall happen by death, resignation or otherwise, the commissioners in office, or any two of them, shall advertise an election to fill such vacancy, by giving at least ten days notice, at two or more of the most public places in said town, of the time and place of holding such election; which election, and all others for commissioners of said town, shall be superintended by two freeholders belonging to the town.

Continuance in office of said commissioners.

An annual election to be held for seven commissioners of said town.

Vacancies, how filled.

Who shall superintend the elections.

SECT. 3. *And be it further enacted,* That the commissioners of said town, or a majority of them, shall be vested with full power and authority, from time to time, to make, ordain and establish such bye-laws, rules and regulations respecting the streets, public

General powers of said commissioners.

* Repealed. See act of 1819, No. 677.

(No. 675.) buildings, tippling shops, retailers of spirits, public houses, the regulation of disorderly persons, negroes, and in general every other bye-law or regulation that shall appear to them requisite and necessary for the security, welfare and convenience of said town, or for preserving peace, order and good government within the same; and the said commissioners, or a majority of them, shall also be vested with full power and authority to make such assessment on the inhabitants of said town, or those who hold taxable property within the same, for the benefit, convenience and advantage of said town, and to affix and levy fines for all offences committed against the bye-laws, rules and ordinances of said town: *Provided*, that such bye-laws, rules and ordinances, be not repugnant to the laws and constitution of said state.

Assessment
of taxes.

Fines.

Proviso.

Duties and
power of the
clerk and
town constable.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the clerk of said commissioners shall be vested with full power and authority to issue all precepts and process necessary and proper to carry the bye-laws, rules and ordinances of said commissioners into execution, which said precepts or other process issued as aforesaid, shall be served or executed by their constable, whose duty it shall be to make a return, from time to time, as the said commissioners, or a majority of them, shall order and direct, of all warrants, precepts or other process placed in his hands, with his actings and doings thereon.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 676.)

To amend an act, entitled An act for the better regulation and government of the Town of Powelton, in Hancock county, passed the 13th day of December, 1816.

WHEREAS, it has been found by experience that considerable difficulties have already been encountered by the commissioners of Powelton, in their corporate capacity, because the limits of said village were not defined by the act to which this is intended as an amendment; for remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the commissioners of said town shall have power to lay out and define the limits of the same, and cause an accurate survey to be made, so as to include such houses and lots as they may deem necessary and proper; and a fair and correct copy of the plan of the said town shall be kept by the commissioners for the inspection of all persons who may be concerned therein. And the commissioners of said town shall have power to enforce all such rules and regulations within the same, as are set forth in the above recited act, any law to the contrary notwithstanding.

Commissioners of the town of Powelton authorized to lay out and define the limits thereof.

Copy of the plan of said town to be kept by the commissioners.

General power.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

* Repealed. See next act.

(No. 677.)

AN ACT

To repeal an act, entitled An act for the better regulation and government of the Town of Powelton, in the county of Hancock, passed the 13th day of December, 1816 ; and an act, entitled An act amendatory of the aforesaid act, passed the 19th day of December, 1817.

Repealing
clause.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after passing this act, the above recited acts be, and they are hereby repealed.*

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

EATONTON.

(No. 678.)

AN ACT*

To alter and amend An act to regulate the Town of Eatonton, passed the twelfth December, eighteen hundred and nine.

Commission-
ers of Eaton-
ton authorized
to impose a
poll tax upon

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the town of Eatonton shall have full power and authority to pass such bye-laws and regulations as they may deem necessary for imposing and collecting*

* See the next act, respecting vacancies of commissioners.

a poll tax upon the citizens of said town, and also a tax upon all property, real and personal, and stock in trade in the said town; and the said commissioners shall have power and authority to appoint such officers as they may deem necessary, for the purpose of enforcing and collecting such taxes in the most summary manner: *Provided*, such poll tax shall not exceed the sum of fifty cents, and such tax on property shall not exceed twenty-five cents for every hundred dollars value thereof, within the term of one year.

(No. 678.)

the inhabitants thereof, and upon real and personal property therein.
Proviso.

SECT. 2. *And be it further enacted*, That the said commissioners shall have power to pass any bye-laws and regulations they may deem necessary, requiring the citizens of said town to return, on oath, to the officer to be appointed as aforesaid, the amount of taxable property and stock in trade, by them and each of them holden in the town aforesaid; and in case of any citizen refusing to make such return, to cause the tax to be assessed and collected in such manner as they may prescribe.

May pass bye-laws to compel the inhabitants to return on oath the amount of their taxable property.
Defaulters.

SECT. 3. *And be it further enacted*, That the said commissioners shall have full power to impose a tax upon all shows, exhibitions and show-men, performing in said town, for the purpose of gain; also upon all gaming tables and games of hazard, as may be established, opened or played in the said town; and to proceed to the collection of the same in such summary manner as may be prescribed in the bye-laws and regulations of said town: *Provided*, that the tax so to be imposed upon shows and show-men, shall not exceed ten dollars for each day's exhibition or performance; and that the tax so to be imposed upon gaming tables and games of hazard, shall not exceed fifty dollars for each day that the same may be established, opened or played in said town; and in case any person or persons, who are liable for the same, shall refuse to pay any tax imposed or assessed by any bye-law or regulation of said town, in pursuance of the authority of this act, then, and in that case, the commissioners of said town, or a majority of them, shall, and they are hereby authorized to issue their warrant, directed to any officer, to be by them appointed, requiring him, by levy and sale of the goods and chattels of the person or persons so refusing, to make the amount of the tax so imposed or assessed, and all lawful cost: *Provided*, such cost shall not exceed the costs allowed by law to justices of the peace and constables, in like cases: *And provided also*, that sales to be made by virtue of such warrant shall be advertised at least ten days, at the court-house in said town.

May tax shows, show-men, gaming tables, &c.

Proviso.

Proceedings against persons refusing to pay any tax imposed under the authority of this act.

Proviso.

SECT. 4. *And be it further enacted*, That the commissioners of said town shall have power and authority to pass any bye-laws and regulations, necessary to cause to be established and enforced a strict patrol, either by day or by night, within the limits of said town; and in case of neglect or refusal, in any citizen of said town, to comply with the bye-laws and regulations to be by the said commissioners ordained and established upon this subject, that the said commissioners, or a majority of them, may proceed to fine such citizen, and to collect such fines, as is herein before prescribed for the collection of

Patrols, power of the commissioners with regard thereto.

(No. 678.) taxes : *Provided*, that the fines to be imposed, in virtue of the power derived under this Proviso. act, shall not exceed five dollars for each case of neglect or refusal.

Taxes and fines to be appropriated to the repair and improvement of the public springs, &c.

SECT. 5. *And be it further enacted*, That the said commissioners do, and they are hereby authorized to appropriate all taxes and fines imposed, assessed and collected, in virtue of any bye-laws or regulations adopted in pursuance of the authority given in this act, to the repair and improvement of the public springs, square and streets of said town, and to the preservation of the houses of said town from fire, in such manner as they, or a majority of them, may deem most conducive to the interest and safety of the citizens.

Said commissioners authorized to remove obstructions and nuisances. Proviso.

SECT. 6. *And be it further enacted*, That the said commissioners shall have power and authority to remove, or cause to be removed, any building, piazzas, posts, steps, or other obstructions and nuisances, in the public square or streets of said town : *Provided*, that in all cases, before they proceed to remove, or cause to be removed, any such obstructions or nuisances, they shall give to the person or persons who inhabit, occupy or claim the same, sixty days notice of such their intentions.

No penalty to extend to life, limb, or corporal punishment of any white person. Town marshal. Proviso.

SECT. 7. *And be it further enacted*, That no penalty imposed by the bye-laws and regulations of the said town of Eatonton, shall extend to life, limb or corporal punishment of white persons ; and that the commissioners of said town shall have power to appoint a town marshal, for the purpose of carrying into execution any bye-laws and regulations ordained and established by them : *Provided*, that such bye-laws and regulations be not repugnant to the constitution and laws of this state.

Repealing clause.

SECT. 8. *And be it further enacted*, That all laws or parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 679.)

To amend An act, passed the twelfth December, eighteen hundred and nine, to regulate the Town of Eatonton, in the county of Putnam.

SECT 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passage of this act, if any commissioner or commissioners, that may be elected agreeable to the above recited act, shall refuse to accept, or when any vacancy shall happen by death, resignation or otherwise, it shall be the duty of the justices of the Inferior Court of said county to order an election to fill such vacancy or vacancies, by giving ten days notice, in three or more public places in said town, any law to the contrary notwithstanding.*

Vacancies, &c. among the commissioners of the town of Eatonton, how filled.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

SPARTA.

AN ACT

(No. 680.)

To alter and amend an act, entitled An act for the better regulation and government of the Town of Sparta, in the county of Hancock, passed on the 3d December, 1805.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Oliver Skinner, William G. Springer, John Binion, Hugh Taylor, Elias Boyer, Charles E. Haynes and Jacob P. Turner be, and they are hereby appointed commissioners of the town of Sparta, and that they, or a majority of them, shall, immediately after the*

Commissioners of the town of Sparta appointed.

(No. 680.) passing of this act, convene and proceed to the appointment of a clerk, and such other officers as they may deem necessary to carry this act into execution.

Continuance
in office.

Election of
commission-
ers, time and
mode thereof.

Vacancies,
how filled.

Who shall su-
perintend
elections.

Commission-
ers may make
bye-laws, &c.

May impose
taxes.

And fines for
breaches of
the bye-laws,
&c.

Compensation
of their offi-
cers.
Proviso.

Repealing
clause.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners shall hold their respective appointments hereby given until the second Monday in January, eighteen hundred and eighteen, at which time, and on every subsequent second Monday in January thereafter, the citizens of Sparta, entitled to vote for members of the General Assembly, shall convene at the court-house, and there, between the hours of nine and three o'clock of the same day, proceed by ballot to the choice of seven freeholders as commissioners of said town; and where a vacancy shall happen by death, resignation or otherwise, the commissioners in office, or any two of them, shall advertise an election to fill such vacancy, by giving at least ten days notice, at two or more of the most public places in said town, of the time and place of holding such election; which election, and all others for commissioners of said town, shall be superintended and conducted by two freeholders belonging to the town.

SECT. 3. *And be it further enacted,* That the commissioners of said town, or a majority of them, shall be vested with full power and authority, from time to time, to make and establish such bye-laws, rules and ordinances respecting the streets, public buildings, markets, public houses, public pumps or wells, the regulation of disorderly people, negroes, and in general every other bye-law or regulation that shall appear to them necessary for the security, welfare and convenience of said town, or for preserving peace, order and good government within the same; and the said commissioners shall also be vested with full power and authority to make such assessments on the inhabitants of Sparta, or those who hold taxable property within the same, for the safety, benefit, convenience and advantage of said town, as shall appear to them expedient, and to affix and levy fines for all offences committed against the bye-laws of the said town; and they are also hereby authorized to allow such town officers as they may appoint, such fees and compensation as may be allowed by existing laws to justices of the peace and constables, in similar cases: *Provided*, that nothing herein contained shall authorize them to make any bye-laws repugnant to the constitution or laws of the land.

SECT. 4. *And be it further enacted,* That all laws or parts of laws militating against this act be, and the same are hereby repealed.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 13th December, 1816.

D. B. MITCHELL, GOVERNOR.

LEXINGTON.

AN ACT

(No. 381.)

To amend an act, entitled An act to regulate the Town of Lexington, passed on the twenty-fourth day of November, eighteen hundred and six, and an act to amend the same, passed on the twenty-seventh day of November, eighteen hundred and seven, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the said town of Lexington shall have full power and authority to pass such bye-laws and regulations, as they may deem necessary for imposing and collecting a poll tax upon the citizens of said town, and also a tax upon all property, real and personal, and stock in trade in the said town: *Provided*, such poll tax shall not exceed one dollar, and such tax on property shall not exceed twelve and a half cents for every hundred dollars value thereof, within the term of one year.

Power of taxation vested in the commissioners of Lexington.

Proviso.

SECT. 2. *And be it further enacted,* That the said commissioners shall have power and authority to appoint such officers as they may deem necessary, for the purpose of enforcing and collecting any such taxes, in the most summary manner.

Said commissioners may appoint officers to collect any tax.

SECT. 3. *And be it further enacted,* That the said commissioners shall have power to pass any bye-laws and regulations they may deem necessary, requiring the citizens of said town to return, on oath, to the officer to be appointed as aforesaid, the amount of taxable property and stock in trade by them, and each of them, holden in the town of Lexington; and in case of refusal in any citizen to make such return, to cause the tax to be assessed, collected in such manner as they may prescribe.

May pass bye-laws to compel returns, on oath, of taxable property.

Defaulters.

SECT. 4. *And be it further enacted,* That the said commissioners shall have full power and authority to impose a tax on all shows, exhibitions and show-men, performing in the said town, for the purpose of gain, and also upon all gaming tables and games of hazard as may be established, opened or played in said town, and to proceed to the collection of the same, in such summary manner as may be prescribed in the bye-laws and regulations of said town: *Provided*, that the tax so to be imposed upon

May tax shows, exhibitions, show-men, gaming tables, &c.

Proviso.

(No. 681.) shows and show-men shall not exceed ten dollars for each day's exhibition or performance, and that the tax so to be imposed upon gaming tables and games of hazard, shall not exceed ten days dollars for each day that the same may be established, opened or played in said town.

Proceedings
against any
person who
shall refuse to
pay any tax
imposed in
pursuance of
this act.

SECT. 5. *And be it further enacted,* That in case any person or persons, who are liable for the same, shall refuse to pay any tax to be imposed or assessed by any bye-law or regulation of said town, in pursuance of the authority of this act, then and in that case, the commissioners of said town, or a majority of them, shall, and they are hereby authorized to issue their warrant, directed to any officer to be by them appointed, requiring him, by levy and sale of the goods and chattels of the person or persons so refusing, to make the amount of the tax so imposed; and said officer shall receive such fees as are allowed by law to justices of the peace and constables, in similar cases: *Provided,* that all sales to be made by virtue of such warrant, shall be advertised at least ten days, at the court-house door in said town.

Proviso.

Patrols, pow-
ers of the
commission-
ers with re-
gard thereto.

SECT. 6. *And be it further enacted,* That the commissioners of said town shall have power and authority to pass and ordain any bye-laws and regulations necessary, to cause to be established and enforced a strict patrol, either by day or by night, within the limits of said town; and in case of neglect or refusal, in any citizen of said town, to comply with the bye-laws and regulations to be by the said commissioners ordained and established upon this subject, that the said commissioners, or a majority of them, may proceed to fine such citizen, and collect such fine as is herein before prescribed for the collection of taxes: *Provided,* that the fines to be imposed in virtue of the power derived under this act, shall not exceed five dollars for each case of neglect or refusal.

Proviso.

Said commis-
sioners may
pass bye-laws,
&c. to compel
the citizens,
&c. of said
town to work
upon the
streets,
springs and
public square.

SECT. 7. *And be it further enacted,* That said commissioners shall have power and authority to pass all bye-laws and regulations, necessary to compel the citizens of said town, and other persons resident therein, and liable by the laws of this state to work on the public roads, to labour on the public spring, streets and square of said town, and in such manner and at such times as they may prescribe, for the improvement, repair and preservation thereof: and in case of refusal or neglect in any citizen or other person so liable as aforesaid, the said commissioners, or a majority of them, may proceed to impose a fine upon such citizen or other person, (or in case of slaves, upon the owner or employer of such slave or slaves,) and to collect such fine in the manner prescribed in the preceding section of this act: *Provided,* any such fine to be imposed in virtue of this section, shall not exceed two dollars for each case of neglect or refusal.

Proviso.

Appropriation
of the fines
and taxes.

SECT. 8. *And be it further enacted,* That the said commissioners do, and they are hereby authorized to appropriate all taxes and fines, imposed, assessed and collected in

virtue of any bye-laws or regulations adopted in pursuance of the authority given in (No. 681.) this act, to the repair and improvement of the public spring, square and streets of said town, and to the preservation of the houses of said town from fire, in such manner as they, or a majority of them, shall deem most conducive to the interest and safety of the citizens.

SECT. 9. *And be it further enacted*, That the commissioners of said town, or a majority of them, shall have power to appoint a town marshal, for the purpose of carrying into execution any bye-laws and regulations ordained and established by them.

Town marshal authorized to be appointed.

SECT. 10. *And be it further enacted*, That the said commissioners shall have power to remove, or cause to be removed, any building, piazzas, posts, steps or other obstructions and nuisances in the public streets or square of said town: *Provided*, that in all cases, before they proceed to remove, or cause to be removed, any such obstructions or nuisances, they shall give to the person or persons who inhabit, occupy or claim the same, thirty days notice of such their intentions.

Removal of obstructions and nuisances authorized. Proviso.

SECT. 11. *And be it further enacted*, That no penalty, imposed by the bye-laws and regulations of the said town of Lexington, shall extend to life, limb or corporal punishment of white persons, and that the commissioners of said town shall not pass any bye-laws or regulations repugnant to the constitution or laws of this state.

Penalties of the bye-laws not to extend to life, limb, or corporal punishment of white persons.

SECT. 12. *And be it further enacted*, That all laws and parts of laws, in any wise militating against this act, are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

DANIELSVILLE.

(No. 682.)

AN ACT*

To incorporate the Town of Danielsville, in the county of Madison.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* James Long, Willis Towns and Joseph Vincen, Esqrs. shall be commissioners of said town, and that they, and their successors in office, shall have full power and authority to pass all bye-laws and regulations which may be necessary for improving and repairing the public square, streets and springs of said town, and the promotion of public good : *Provided*, that such bye-laws and regulations shall not be repugnant to the constitution and laws of this state, and that no penalty thereby imposed shall extend to corporal punishment (except on slaves or persons of colour :) *And provided also*, that said commissioners shall not impose any poll tax upon the citizens of said town, which shall exceed one dollar within the term of one year.

Commission-
ers of the
town of Da-
nielsville ap-
pointed.
Who may pass
bye-laws, &c.
Proviso.
Proviso.

Continuance
in office?
Commission-
ers to be
elected annu-
ally on the 1st
Monday in
January.
Provision in
case no elec-
tion should be
held on the
day prescri-
bed.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said commis-* sioners shall continue in office until the first Monday in January, eighteen hundred and nineteen, on which day, and on the first Monday in every January thereafter, all the free male white citizens of said town, who shall be entitled to vote for members of the General Assembly, shall assemble at the court-house of said county, and by ballot, elect three commissioners, who shall continue in office for one year; and, in case it should so hap- pen that such elections should not be held on the day required by this act, that the com- missioners then in office shall continue until such election may take place, at which elec- tion any two justices of the peace for said county, not being candidates themselves, shall

* See act of 1818, No. 683.

preside: *Provided nevertheless*, that the said commissioners shall be re-eligible to said (No. 682.)
 appointments. Proviso.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 27th November, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 683.)

*To alter and amend an act, entitled An act for the better regulation of the Town
 of Danielsville, in the county of Madison.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* the commissioners of the town of Danielsville shall have power and authority to pass such bye-laws and regulations as they may deem necessary for imposing and collecting a poll tax upon the citizens of said town: *Provided*, that such poll shall not exceed one dollar on each and every person liable by law to pay a poll tax, and also the sum of twelve and one half cents on every hundred dollars worth of property, subject to taxation by the tax law of this state, for the term of one year.

Power of taxation vested in the commissioners of Danielsville.
 Proviso.

SECT. 2. *Be it further enacted*, That the said commissioners shall have power to pass such laws as they may deem necessary, to require and direct the citizens of said town to make a return upon oath, to such officer as may be by them appointed, to receive the amount of taxable property by each of them owned or held in said town; and in case any citizen shall refuse to make such return, when called on for that purpose by the proper officer, then, and in that case, such defaulter shall be liable to pay such tax as may be assessed by said commissioners, from the best source of information they can obtain, with an addition of fifty per cent. on the amount of such tax, for such default or refusal.

Said commissioners authorized to require returns on oath of the amount of taxable property from the citizens of said town.
 Defaulters.

SECT. 3. *And be it further enacted*, That the said commissioners shall have full power and authority to impose a tax on all shows, exhibitions and show-men, performing in

May tax shows, exhibitions and show-men.

(No. 683.) said town, for the purpose of gain : *Provided*, that such tax so imposed, shall not exceed the sum of ten dollars on each day's exhibition or performance.

Patrols, duty and power of the commissioners with regard there-to.

Proviso.

Proviso.

SECT. 4. *And be it further enacted*, That the said commissioners shall have full power and authority to appoint, from among the persons residing within said corporation, a patrol or patrols for said corporation, at such time, and on such occasions, as they may deem proper : *Provided*, that one person at least, composing such patrol or patrols, shall be a slave-holder ; and that no punishment inflicted by such patrol or patrols, on any slave or slaves, shall exceed moderate correction : *Provided also*, that all and every person or persons, who shall refuse to do patrol duty, when required as aforesaid, shall, without good excuse to be rendered to said commissioners, be fined in any sum not exceeding five dollars ; and the said delinquent shall have five days notice, in writing, of the time and place of hearing said excuse.

Penalties limited.

SECT. 5. *And be it further enacted*, That no penalty, by the bye-laws and regulations of said town, shall extend to life, limb, or corporal punishment of any white person, and that no slave shall receive more than thirty lashes for the single violation of any bye-law or regulation of said town.

Persons refusing to pay any tax or fine, and where no property can be found to satisfy the same, how proceeded against.

SECT. 6. *And be it further enacted*, That where any tax has been assessed, or fine imposed, in conformity with this act ; and the person or persons against whom the same is assessed or imposed, refuses or neglects to pay the same ; and when property cannot be found by the proper officer to make the amount of said tax or fine, then, and in that case, the said commissioners shall have power to order a *capias ad satisfaciendum* to issue against such person or persons, and imprison them in the common jail of said county, until the same is paid, or until the person or persons so confined, shall make oath before some one of the said commissioners, that they are unable to satisfy and pay the same.

Appointment of necessary officers authorized.

SECT. 7. *And be it further enacted*, That the said commissioners shall have power and authority to appoint such officers as they may deem necessary, to enforce and execute such bye-laws and regulations as they may, from time to time, ordain and establish, and to collect all taxes or fines that may be in any case assessed or imposed, in such way and manner as the said commissioners may direct.

Appropriation of monies arising from taxation and fines.

SECT. 8. *And be it further enacted*, That the said commissioners are hereby authorized to appropriate all monies arising from taxation and fines imposed, assessed and collected, by virtue of any bye-laws or regulations adopted in pursuance of the authority given in this act, after defraying necessary expenses, to the improvement of the public springs, wells, square and streets of said town, and to the preservation of the houses in

said town from fire, in such manner as they may deem most conducive to the interest (No. 683.) and safety of the citizens of said town.

SECT. 9. *And be it further enacted*, That the powers vested by this act in the commissioners of said town shall extend to their successors in office, and a majority of them shall, at any time, be as fully authorized to act as a board, as if the whole of the members were present; and when any vacancy shall take place in the board, by reason of the removal, resignation or death of any of the commissioners, that it shall and may be lawful for the majority of the board to advertise, at the court-house door, an election to fill such vacancy, giving at least ten days notice in said advertisement, when such election shall be held.

A majority shall constitute an efficient board.

Vacancies, how filled.

SECT. 10. *And be it further enacted*, That the commissioners of said town shall, before they enter upon the duties of their office, take and subscribe an oath, well and truly to perform the duties of commissioners for said town, and shall have power to administer such oath as may be necessary to a proper execution of their duties as commissioners aforesaid.

Said commissioners to take and subscribe an oath.
May administer oaths.

SECT. 11. *And be it further enacted*, That the time for holding an election for commissioners of said town shall be on the last Saturday in December, annually, and all the citizens of said town that are entitled to vote for members of the state legislature shall be allowed to vote at said election; and in case any circumstance should at any time occur, whereby the said commissioners should not be elected on the day pointed out by this act, then, and in that case, it shall and may be lawful for the commissioners of the preceding year to advertise at the court-house door when said election shall be held, giving thereby at least ten days notice, and the commissioners so elected shall be deemed and considered as lawful as if they had been elected on the day pointed out by this act.

Time and mode of election of commissioners.

Provision in case no election should take place on the day prescribed in this act.

SECT. 12. *And be it further enacted*, That no person but such as are freeholders shall be eligible to hold or receive the appointment of commissioner of said town: and all laws or parts of laws militating against this act be, and the same are hereby repealed.

Qualification of commissioners.
Repealing clause.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

LINCOLNTON.

(No. 684.)

AN ACT

To incorporate the Town of Lincolnton, in the county of Lincoln.

Commission-
ers of the
town of Lin-
colnton au-
thorized to
pass bye-
laws, &c.
Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That Peter Lamar, Rem Remsom and Lewis Stovall, and their successors in office, shall have full power and authority to pass all bye-laws and regulations which may be necessary for the improvement and repairing the streets, springs and internal police of said town: Provided nevertheless, that such bye-laws, rules and regulations shall not be repugnant to the constitution of the United States and the constitution and laws of this state, and that no penalty thereby imposed shall extend to corporal punishment, except to people of colour, nor shall any tax upon the people of said town be imposed which shall exceed one dollar on each poll for the same year.*

Vacancies,
how filled.

SECT. 2. *And be it further enacted, That where any vacancy in the commissioners of said corporation shall happen by resignation, removal or otherwise, the commissioners in office shall appoint some other person within the limits of said corporation to fill such vacancy.*

Appointment
of a clerk, &c.
authorized.

Commission-
ers in certain
respects jus-
tices of the
peace, *ex*
officio.
Their powers
of taxation,
fining, &c.

SECT. 3. *And be it further enacted, That the said commissioners, or a majority of them, have power to appoint a clerk, marshal, and such other officer as they may deem necessary to carry into effect all proceedings which they may adopt under the authority of this act; and the said commissioners shall be ex officio justices of the peace, so far as respects the carrying into effect the said act of incorporation, and they may impose fines for violations of their corporate rules, issue executions for fines and penalties, and for taxes, and shall likewise have power to exact a tax on all public shows which may be at any time exhibited or exposed to view for money within the limits of said corporation, which shall be collected by the said marshal in the same manner as executions from the justices' courts.*

May sue and
be sued.

SECT. 4. *And be it further enacted, That the said commissioners shall be capable of suing and being sued in their corporate capacity.*

SECT. 5. *And be it further enacted*, That the jurisdiction of the said incorporation shall (No. 684.)
 extend to and comprehend one half mile each way from the court-house in said town. Jurisdiction of
 the corpora-
 tion.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

SALEM.

AN ACT

(No. 685.)

*To appoint Commissioners for the better regulating and government of the village
 of Salem, and for incorporating the same.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That
 from and after the passing of this act, the following persons, to wit: John Floyd, Hope
 H. Tigner and James Knott be, and they are hereby appointed commissioners of the
 village of Salem, in the county of Clark, and that they, or a majority of them, shall
 have the power to convene at any time after the passage of this act, and proceed to the
 appointment of a clerk, and such other officers as they may deem necessary to carry this
 act into execution.

Commission-
 ers of the
 village of Sa-
 lem appoint-
 ed.

Who shall ap-
 point a clerk,
 &c.

SECT. 2. *And be it further enacted*, That the said commissioners shall hold their re-
 spective appointments hereby given them, until the first Monday in January, one thou-
 sand eight hundred and twenty; at which time, and on every subsequent year thereafter,
 the citizens of the village of Salem, entitled to vote for members of the General As-
 sembly, shall choose by ballot, three persons to succeed them as commissioners of said
 village; and they shall have, and they are hereby invested with full power and autho-
 rity, to make such bye-laws and regulations, and to inflict such pains, penalties and for-

Their continu-
 ance in office.

Time and
 mode of elect-
 ing commis-
 sioners.

Their powers.

(No. 685.) feitures, and do all other incorporate acts, as in their judgment shall be most conducive to the good order and government of the said village of Salem: *Provided*, that such bye-laws and regulations be not repugnant to the laws and constitution of this state: *And provided also*, that the punishment on slaves shall not extend to the affecting life, limb or member.

Two or more justices of the peace shall preside at the election aforesaid. Commissioners re-eligible.

SECT. 3. *And be it further enacted*, That any two or more justices of the peace, for the county of Clark, are hereby authorized and required to preside at such election for commissioners as aforesaid; that nothing herein contained shall be construed so as to prevent the re-election of any commissioner pursuant to this act.

Provision in case no election should be held on the day prescribed in this act.

SECT. 4. *And be it further enacted*, That should there be no election held on the day pointed out by this act, for that cause this act of incorporation shall not be void, but an election may be held on any other day within three months, a justice of the peace first advertising in said village, ten days before said election.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 24th November, 1818.

WILLIAM RABUN, GOVERNOR.

WRIGHTSBOROUGH.

AN ACT

(No. 686.)

To amend and explain the several acts heretofore passed in relation to the Town and Common of Wrightsborough, in the county of Columbia.

Commissioners of Wrightsborough appointed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That Thomas White, Thomas Dooly, Henry Gibson, John Hannon and Jeremiah Rees shall be, and they are hereby appointed commissioners of the town and common of Wrightsborough, to continue in office until the

second Monday in May, one thousand eight hundred and nineteen, on which day, and (No. 686.)
 on every second Monday in May thereafter, the lot-holders in the said town and com- Their continu-
 mon shall assemble in the said town, and elect five fit and discreet persons, as commis- ance in office.
 sioners for the said town and common of Wrightsborough ; which said election shall Time and
 be superintended by any justice of the peace, and two freeholders of the county of Co- mode of elect-
 lumbia, which superintendants shall certify on the minutes of the board of commissioners ing commis-
 of the town and common of Wrightsborough, the five persons having the highest num- sioners.
 ber of votes, as having been duly elected commissioners of the town and common of
 Wrightsborough, which said certificate shall be received as evidence of such election
 before any court of law or equity in this state.

SECT. 2. *And be it further enacted*, That should any vacancy or vacancies occur in Vacancies,
 the said board of commissioners of the town and common of Wrightsborough, by death, how filled.
 resignation or otherwise, it shall be lawful for any justice of the peace, and two free-
 holders of the county of Columbia, after giving ten days notice, which notice shall be
 stuck up at three or more public places in said town, to proceed to hold and superintend
 an election to fill said vacancy or vacancies ; which said superintendants shall certify, on
 the minutes of the board of commissioners of the town and common of Wrightsbo-
 rough, the person or persons having the highest number of votes of the lot-holders in
 the said town and common, as having been duly elected to fill such vacancy or vacan-
 cies, which certificate shall be received as evidence of such election before any court of
 law or equity in this state.

SECT. 3. *And be it further enacted*, That should an election not be holden at any time Provision in
 hereafter, for commissioners of the town and common of Wrightsborough, on the day case no elec-
 and in the manner pointed out by the first section of this act, the corporation of the said tion should be
 town and common shall not be considered as dissolved ; but the commissioners may, held on the
 at any time, be elected under the same regulations as are pointed out by this act for day and in the
 filling vacancies. manner pre-
 scribed by
 this act.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 3d December, 1818.

WILLIAM RABUN, GOVERNOR.

JEFFERSON.

(No. 687.)

AN ACT*

To authorize the justices of the Inferior Court of Camden county to lay off such street or streets as they may think proper, in the town of Jefferson, agreeably to the plan of said town, for the health and prosperity of the same.

The justices of the Inferior Court of Camden county authorized to lay off any streets in the town of Jefferson.

Their power and duty concerning the removal of obstructions in the streets of said town.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That after the expiration of three months after the passing of this act, it shall be the duty of the justices of the Inferior Court of Camden county to lay out such street or streets, or any part of streets, in the town of Jefferson, as they may think proper for the health and prosperity of said town, agreeable to the plan of said town and the acts of the legislature; and it shall be the duty of the justices above mentioned to require, by advertisement at the court-house door in said town of Jefferson, all intruders on the streets of the town of Jefferson, to remove all obstructions in said streets; and if any person shall neglect or refuse to remove such obstruction or obstructions within three months after such public notice is so given, he, she or they, so failing, shall forfeit and pay the sum of ten dollars for each day such obstruction or obstructions in the said town and streets above mentioned shall so remain, and all such fines shall be recovered in any court having jurisdiction, there, by an action of debt, in the name of the said Inferior Court, which sum, when so recovered, shall be applied to the use of the county funds.*

Repealing clause.

SECT. 2. *And be it further enacted, That all laws or parts of laws heretofore passed on this subject, which militate against this act be, and the same is hereby repealed.*

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1818.

WILLIAM RABUN, GOVERNOR.

* Repealed. See act of 1819, No. 688.

AN ACT

(No. 688.)

To make valid the proceedings of the Commissioners of Jefferson, Camden county, and to repeal an act, passed December nineteenth, eighteen hundred and eighteen, relative to the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That an act, passed on the nineteenth day of December, eighteen hundred and eighteen, entitled An act to authorize the justices of the Inferior Court of Camden county to lay off such street or streets as they may think proper, in the town of Jefferson, agreeably to the plan of said town, for the health and prosperity of the same, be, and the same is hereby repealed.

The recited
act repealed.

SECT. 2. *And be it further enacted,* That in future the management and entire control of the laying off streets, improving or repairing the same, in the said town, be, and the same is hereby vested in the commissioners that now are or hereafter may be in office, as commissioners of said town.

The control
of laying off,
improving and
repairing
streets in the
town of Jef-
ferson, vested
in the com-
missioners
thereof.

SECT. 3. *And be it further enacted,* That the proceedings had and carried on by the former commissioners of said town, under an ordinance, passed by them the thirty-first of January, eighteen hundred and nine, be, and the same is hereby confirmed and made valid in law.

Certain pro-
ceedings of
the commis-
sioners con-
firmed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 30th November, 1819.

JOHN CLARK, GOVERNOR.

MALLORYSVILLE.

(No. 689.)

AN ACT

To appoint Commissioners for the better regulating and government of the village of Mallorysville, and for incorporating the same.

Commissioners of the village of Mallorysville appointed.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the following persons, viz: William Mallory, Benjamin Wootton, Simeon Fisk, Israel Kieth and Thomas Barnes be, and they are hereby appointed commissioners of the village of Mallorysville, in the county of Wilkes, and that they, or a majority of them, shall have the power to convene at any time after the passage of this act, and proceed to the appointment of a clerk, and such other officers as they may deem necessary to carry this act into execution.*

Their continuance in office.

Time and manner of electing commissioners.

Their powers.

Proviso.

Proviso.

SECT. 2. *And be it further enacted, That the said commissioners shall hold their respective appointments hereby given them, until the second Monday in January, one thousand eight hundred and twenty-one; at which time, and on every subsequent year thereafter, the citizens of the village of Mallory, entitled to vote for members of the General Assembly, shall choose by ballot five persons to succeed them as commissioners of said village; and they shall have, and they are hereby invested with full power and authority to make such bye-laws and regulations, and to inflict such pains, penalties and forfeitures, and do all other incorporate acts as in their judgment shall be most conducive to the good order and government of the said village of Mallory: Provided, that such bye-laws and regulations be not repugnant to the laws and constitution of this state: And provided also, that the punishment of slaves shall not extend to the affecting of life, limb or member.*

Extent of the corporation.

SECT. 3. *And be it further enacted, That the said incorporation shall extend one half mile from the centre of the corporation each way, which centre is fixed on the Augusta road, where Mr. Mallory's and John W. Freeman's lands cross said road.*

Two or more justices of the peace required.

SECT. 4. *And be it further enacted, That any two or more justices of the peace for the county of Wilkes, are hereby authorized and required to preside at such election for*

commissioners as aforesaid; and that nothing herein contained shall be construed so as to prevent the re-election of any commissioner pursuant to this act. (No. 689.)

SECT. 5. *And be it further enacted*, That should there be no election held on the day pointed out by this act, for that cause this act of incorporation shall not be void, but an election may be held on any other day within three months, a justice of the peace first advertising in said village, ten days before said election.

ed to preside
at said elec-
tion.
Commission-
ers re-eligible.
Provision in
case no elec-
tion be held
on the day
prescribed in
this act.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 9th December, 1819.

JOHN CLARK, GOVERNOR.

RICEBOROUGH.

AN ACT

(No. 690.)

To incorporate the village of Riceborough, in the county of Liberty, and for the appointment of Commissioners for the better regulation and government of said village.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same*, That William Roberts, William Baker, James E. Hines, Benjamin Mell, junr. and E. S. Kempton be commissioners of said village, and they, or their successors in office, or a majority of them, shall have full power and authority to pass all bye-laws and regulations which may be necessary, and inflict or impose such fines, penalties and forfeitures, and do such other incorporate acts, as, in their judgment, shall be conducive to the good order and government of the said village, and for the prevention of vice and other immoralities: *Provided*, such bye-laws and regulations be not repugnant to the constitutional laws of this state.

Commission-
ers of Rice-
borough ap-
pointed.
Their powers.

Proviso.

(No. 690.)

Their continuance in office.

Time and manner of electing commissioners.

Proviso.

Vacancies, how filled.

Limits or jurisdiction of the corporation.

SECT. 2. *And be it further enacted*, That the commissioners shall hold their respective appointments hereby given them, until the first Monday in January, eighteen hundred and twenty-two; at which time, and on every subsequent year thereafter, the citizens of the village of Riceborough, entitled to vote for members of the General Assembly, shall choose, by ballot, five persons to succeed them as commissioners, at which election two justices of the peace, or two justices of the Inferior Court of said county, shall preside as judges of said election: *Provided always*, that nothing herein contained shall be so construed as to prevent the present named commissioners, or their successors in office, from being eligible to serve, if re-elected; and in case any vacancy shall be occasioned by death, resignation or otherwise, the vacancy shall be filled by election, ten days previous notice being given in writing, by two or more of the commissioners, at one or more of the most public places in said village.

SECT. 3. *And be it further enacted*, That the powers confided to this incorporation shall not exceed or extend beyond the limits of the said village, and the lands belonging thereto.

SECT. 4. *And be it further enacted*, That any laws militating against this act be, and the same are hereby repealed.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

CARNESVILLE.

AN ACT

(No. 691.)

To alter and amend An act, passed in December, 1807, to incorporate the Town of Carnesville, in the county of Franklin, and to extend the limits thereof.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met; and it is hereby enacted by the authority of the same, That* from and immediately after the passing of this act there shall be five commissioners for the incorporation of the town of Carnesville, viz. Green Smith, Frederick Bell, Hensly M. Payne, Nathaniel Holley and George Prickett, Esqrs. who shall continue in office until January; eighteen hundred and twenty-one, at which time, in that month, they shall elect five commissioners, either out of their body or any one else, and so on annually, for every year thereafter; they shall give ten days notice previous to such an election, and all male white persons, entitled to vote for members of the legislature, living in the district, shall be entitled to vote at such an election; two justices of the peace living in said district may preside: and the said commissioners shall have full power and authority to make and ordain all such laws, rules and regulations as they may, in their wisdom, deem necessary for keeping in repair the public streets, and having all obstructions removed, and having the public spring kept in good order: *Provided*, that such laws are not repugnant to the laws of this state and of the United States; they shall not inflict corporeal punishment on any white person, but may inflict corporeal punishment on people of colour, but not to dismember or take life. The commissioners shall have full power to impose a tax on all show-men that may come into the corporation in order to make money; and shall have full power to extend the limits of said corporation six hundred yards every way from the court-house, and have the public streets designated, and all obstructions removed, and may impose a tax on the citizens of said incorporation, not to exceed more than one dollar for the term of one year; they may appoint a clerk, or any other person, to keep a record of all proceedings which they may adopt under the authority of this act: and that the commissioners of the said village of Carnesville be requested and authorized to have the plan of said town of Carnesville recorded in the clerk's office of the Superior Court of Franklin county.

Five commissioners of Carnesville appointed.

Their continuance in office. Time and mode of electing commissioners.

Said commissioners may pass bye-laws.

Proviso.

May tax show-men.

Limits of the corporation.

Their power of taxation.

Appointment of a clerk authorized.

Plan of said town to be recorded in the clerk's office of the Superior Court.

(No. 691.) SECT. 2. *And be it further enacted,* That all laws or parts of laws that militate against
Repealing this act, be, and they are hereby repealed.
clause.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

UNIVERSITY.

AN ACT

1811.

(No. 692.)

To revise and amend an act, entitled An act for the more full and complete establishment of a Public Seat of Learning in this state, passed the 27th January, 1785.

SECT. 1.* *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the number of trustees of the University shall be reduced to five, three of whom shall constitute a board to do business ; and should they, or either of them, fail giving attendance for two meetings of the board successively, the seat or seats of such member or members so failing to attend shall be considered as vacated, unless absent on business ; and it shall be the duty of the president of the University to report the same to the legislature, as well as all other vacancies that may happen, by whom the same shall be filled, and no trustee shall receive any compensation for his services as trustee.

Trustees of
the University
reduced to
five, three of
whom shall be
a competent
board.
Vacancies.

SECT. 2. *And be it further enacted,* That Peter Early, Edward Paine, Stephen Upson, John Griffin and William H. Crawford be, and they are hereby appointed trustees of said University.

Trustees ap-
pointed.

SECT. 3. *And be it further enacted,* That the Governor for the time being, the president of senate and speaker of the house of representatives, together with the senators

Board of visi-
tors and Sena-
tus Academi-
cus.

* This section repealed ; See act of 1816, No. 695, amendatory of the several acts relative to the University. See also act of 1817, No. 696.

(No. 692.) from each county, except from the county in which the speaker may reside, shall constitute the board of visitors, who, together with the board of trustees, shall constitute and form the *Senatus Academicus*; whose powers and duties shall remain as defined by this act and the before recited acts, where they do not militate with this act.

Secretary and treasurer to be one and the same person.

SECT. 4. *And be it further enacted*, That the duties of secretary and treasurer of the board of trustees shall be done and performed by one and the same person, who shall be appointed by the board of trustees; he shall reside or keep his office at the University, and shall be compensated for his services annually by said board of trustees; *and all other officers of the university shall be appointed by the *Senatus Academicus*, and their salaries regulated by the board of trustees.

Officers, how appointed, &c.

Meeting of the *Senatus Academicus*. Trustees required to lay before them their proceedings, &c. &c.

SECT. 5. *And be it further enacted*, That the *Senatus Academicus* shall meet at Milledgeville annually, on the second Monday in November, before whom the board of trustees shall lay all their proceedings relative to the said University, together with a true statement of their receipts and expenditures, which shall also contain the number of students, their names, their different studies, and the amount of tuition money; and said proceedings and statements shall be by the *Senatus Academicus* laid before the General Assembly.

Students allowed to board at any place in the town or its vicinity. Proviso.

SECT. 6. †*And be it further enacted*, That students of college shall be at liberty to board at any place within the town or vicinity of Athens: *Provided*, they board with moral, respectable families, of which the president of college shall judge.

Examination for degrees regulated.

SECT. 7. *And be it further enacted*, That the examination of the students of college for degrees shall be conducted by three of the trustees, with the assistance of the president and professors, or by three persons chosen by said trustees, who are considered by them to be qualified to examine; and that no student shall be suffered to graduate, without the assent of two-thirds of said examiners.

* So much of this section as empowers the *Senatus Academicus* to appoint all officers, other than the secretary and treasurer, is repealed by act of 1816, No. 695.

† This section is repealed. See act of 1816, section 2d.

SECT. 8. *And be it further enacted*, That all laws or parts of laws that militate against (No. 692.)
this law be, and the same are hereby repealed.

Repealing
clause.

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.
Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 693.)

To explain the 10th section of an act, entitled An act for the more full and complete establishment of a Public Seat of Learning in this state, passed the 27th day of January, 1785.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That from and immediately after the passing of this act, that all persons who are now, or who may hereafter become students at the university of this state, or within ten days after their arrival, shall be held and considered liable to do militia duty, in the same manner as other persons from eighteen to forty-five years of age are.

Students of
the University
liable to do
militia duty.

SECT. 2. *And be it further enacted by the authority aforesaid*, That so much of the before recited act as militates against this act, is hereby repealed.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate

Assented to, 16th November, 1814.

PETER EARLY, GOVERNOR.

(No. 694.)

AN ACT*

To authorize the Trustees of the University of Georgia to sell the lands belonging to said University, and to systematize the funds belonging thereto.

Preamble.

WHEREAS, from the present situation of the lands belonging to the University of Georgia, the proceeds therefrom are incompetent to the support of the institution, pursuant to the laudable design of its founders, and the wishes of the General Assembly; and a judicious sale thereof, with a proper management of the funds arising from said sales, being better calculated to promote the welfare of said institution :

The trustees authorized to sell the lands of the University.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted, That the several tracts of land, that is to say, the tract of land in the county of Greene, known by the name of the Richland Creek Tract; the two tracts in the county of Oglethorpe, known by the names of the Fishing and the Falling Creek Tracts; the tract of land in the county of Clark, known by the name of the Sandy Creek Tract; and the tract in the county of Franklin, known by the name of the Shoal Creek Tract, belonging to the University of Georgia, may be sold by the trustees of said university; and they are hereby permitted and authorized to sell the same, in such manner and upon such terms as they, or a majority of them, may deem most conducive to the interest of the said university, and the most advantageous disposition of said lands: Provided nevertheless, that said lands shall be sold by lots of one hundred acres each, at public outcry, and to the highest bidder.*

Proviso.

The proceeds to be vested in some profitable stock.

SECT. 2. *And be it further enacted, That the proceeds of the sale of said lands shall in no wise or manner be used by the said trustees, to pay off debts, or to make any purchases, except as herein after directed, but shall be by them reserved, for the purpose of being vested in some profitable stock, for the use of the university.*

If the lands be sold on credit, security and also mortgages on the land required. Bonds and mortgages so taken, how disposed of.

SECT. 3. *And be it further enacted, That if the said trustees should dispose of the lands aforesaid upon a credit, the bonds given by the purchasers for the same, shall be secured by good personal security, together with a mortgage upon the land so purchased; and the said bonds and mortgages, when collected, shall be applied, by the said trustees, to the subscription for stock in any banks now in this state, in case further subscriptions*

* See act of 1816, No. 695, amendatory of this act.

should be by them opened, or any bank which may hereafter be established by the state (No. 694.) or the United States; if any subscriptions should be opened by any of the banks aforesaid, at a time when the said bonds and mortgages should be uncollected, or not due, and a failure to obtain stock on that account would ensue, the trustees of said university, by depositing the whole amount of said bonds and mortgages in the treasury of the state, and producing to his excellency the Governor the treasurer's certificate of the same, shall obtain from the Governor a warrant on the treasury, for whatever sum, not exceeding two-thirds of the amount of said bonds and mortgages, that may be necessary for subscribing for such number of shares as the proceeds of said bonds, if collected, would authorize them to subscribe for: *Provided always*, that the Governor shall direct the collection of the said bonds and mortgages as they become due, and the principal and interest thereof shall be paid into the treasury of the state, as a reimbursement for the advance made by the state to the said trustees.

SECT. 4. *And be it further enacted*, That the said trustees shall never dispose of the stock by them subscribed for as aforesaid, unless by the consent of the legislature of Georgia, or make use of it in any manner whatever; but the proceeds or dividends therefrom shall be drawn by them, and used in such manner as the various demands and necessities of the said university may require; and as will be most likely to ensure the objects of its establishment.

The stock aforesaid not to be disposed of without the consent of the legislature.

The proceeds only, to be applied to the use of the University.

SECT. 5. *And be it further enacted by the authority aforesaid*, That David B. Mitchell, Thomas U. P. Charlton, the reverend Henry Kollock, James M. Wayne, Nicholas Ware, John A. Cuthbert, Augustin S. Clayton, James Meriwether, John Elliott and George M. Troup be, and they are hereby appointed additional trustees to the university aforesaid; and that any five of the trustees of the said university shall form a board, and be competent to proceed to business.

Additional trustees.

Five a competent board.

SECT. 6. *And be it further enacted*, That it shall and may be lawful for said board of trustees, to dispense with the services of such of its officers, or make such reduction in the fees or salaries of officers, as will enable them, with the funds of the institution, to meet their disbursements; nor shall any salary or compensation be allowed said trustees, or any of them, for their or any of their services.

Trustees may discharge any of the officers, or reduce their salaries.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

(No. 695.)

AN ACT

To amend an act, entitled An act to authorize the Trustees of the University of Georgia to sell the lands belonging to said University, and to systematize the funds belonging thereto, passed the 16th December, 1815, and to amend the several acts heretofore passed, for the more full and complete establishment of a Public Seat of Learning in this state.

Sales of the University lands, which have been or may hereafter be made, in lots over and above or under 100 acres each, made valid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all sales of land heretofore made, or hereafter to be made, by the trustees of said university, shall be valid to all intents and purposes, notwithstanding the same may have been, or hereafter may be sold in lots over and above, or under one hundred acres each; any thing in the above recited act to the contrary notwithstanding.*

Repealing section.

SECT. 2. *And be it further enacted, That the first section of the act, entitled An act to revise and amend an act entitled An act for the more full and complete establishment of a public seat of learning, passed the 27th January, 1785, (which said amending act was passed the 16th day of December, 1811,) as also so much of said amending act as directs that all officers of the university, other than the secretary and treasurer, shall be appointed by the Senatus Academicus, together with the 6th section of said amending act, be, and the same are hereby repealed.*

What to be done when there is an adverse claim to any land sold by the trustees, which claim has been or may be determined against the title derived from the trustees.

SECT. 3. *And be it further enacted, That in all cases where the trustees of the university have sold any lot or lots of land, to which, or any part of which, there is an adverse claim, which claim has been, or may hereafter be determined, either by suit or arbitration, against the title derived from the trustees, it shall and may be lawful for said trustees to adjust all matters with the person to whom they have sold, either by giving credit on the bond given for the purchase money, or by releasing the purchaser altogether from his contract; said purchaser at the same time relinquishing to them all claim or title, to any part which may not be included within such adverse claim as aforesaid.*

Vacancy in the office of president of the University, during the recess of the Senatus Academicus, how filled.

SECT. 4. *And be it further enacted, That in case the office of president of the university shall at any time be vacant during the recess of the Senatus Academicus, it shall and may be lawful for the board of trustees to appoint a president pro tempore, who shall continue in office until the next meeting of the Senatus Academicus; and in all such cases, it shall be the duty of the prudential committee, if there be one, or of the senior trustee, if there be no prudential committee, to convene the board.*

SECT. 5. *And be it further enacted by the authority aforesaid,* That his excellency (No. 695.) the Governor be, and he is hereby authorized and directed to advance to the board of trustees, upon the credit of the bonds and mortgages, upon the sale of university lands, deposited in the treasurer's office, any sum not exceeding ten thousand dollars, if the necessities or exigencies of the university should require such advance.

Governor authorized to advance ten thousand dollars to the trustees on the credit of the bonds and

mortgages arising from the sale of University lands.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the state treasury shall be reimbursed the sum of five thousand dollars, together with lawful interest, out of the proceeds of the bonds and mortgages aforesaid, which sum was, in November 1802, in the act entitled An act to appropriate monies for the political year 1803, appropriated as a loan to the trustees of the university; and that the aforesaid sum of ten thousand dollars, herein directed to be advanced, be also repaid at the state treasury, out of the proceeds of said bonds and mortgages.

A previous loan of \$5000 to be repaid.

The repayment of the said 10,000 dollars provided for.

SECT. 7. *And be it further enacted,* That all laws or parts of laws that militate against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

AN ACT

(No. 696.)

To establish the mode of supplying vacancies in the Board of Trustees of the University of Georgia, and to add two additional members to the board already appointed.

WHEREAS, by an act passed on the 16th day of December, 1811, entitled An act to revise and amend an act, entitled An act for the more full and complete establishment of a public seat of learning in this state, passed the 27th January, 1785, the power of supplying vacancies in the board of trustees of the University of Georgia was transferred

Preamble.

(No. 696.) from said board of trustees to the legislature of this state : And whereas, great inconvenience results from the present mode of filling such vacancies :

Vacancies in the board of trustees, how filled. *SECT. 1. BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,*
 Proviso. That from and after the passage of this act, that the trustees of the said University of Georgia are authorized and empowered to fill all such vacancy or vacancies that may at present exist in said board of trustees, or that may hereafter exist or become vacant by the appointment of such person or persons as the said board of trustees may think proper : *Provided*, the said board of trustees shall notify the *Senatus Academicus*, at each annual meeting, of such appointment or appointments, so by them made : *And provided also*, that said *Senatus Academicus* shall approve the same.

And whereas, the board of trustees of the university did, at their last meeting, recommend the appointment of two additional members to said board of trustees :

Additional trustees appointed. *SECT. 2. Be it therefore further enacted*, That Duncan G. Campbell and Edwin Hardin be, and they are hereby appointed trustees of the University of Georgia, in addition to the number heretofore appointed, any law to the contrary notwithstanding.

BENJAMIN WILLIAMS,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

Assented to, 10th December, 1817.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 697.)

To authorize the Trustees of the University of Georgia to execute a deed to Henry Hardy, of the county of Franklin, to certain lands, on conditions therein specified.

WHEREAS, it hath been represented to this legislature, on the memorial of Henry Hardy, that he was the security of one William A. Blackburn to the said trustees of the University of Georgia, for the sum of one hundred and forty-one dollars, for fractions of land numbers one, twelve, and thirteen, in the Shoal Creek tract, which money is yet due and unpaid; and that the said William A. Blackburn transferred to said Henry Hardy, the original deed to himself, with permission and directions, that the said Henry Hardy should give up said original deed to said trustees, pay the purchase money, and receive a title to himself therefor; and that said Blackburn has left the country, and the said Henry Hardy having prayed this legislature to authorize the trustees to act in the premises;

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That immediately after the passing of this act, the trustees of the University of Georgia be, and they are hereby authorized and required to receive of Henry Hardy or his heirs, on the same being tendered, the original deed of conveyance made by them to one William A. Blackburn, for fractions of land, numbers one, twelve, and thirteen, in the Shoal Creek tract, formerly belonging to the said university, and execute to the said Henry Hardy a title for the same, on his, the said Henry Hardy's paying up the whole of the purchase money, with the interest which may have accrued thereon, if any.

Trustees of the University to make titles to Henry Hardy to certain lands on certain conditions.

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 19th December, 1817.

WILLIAM RABUN, GOVERNOR.

(No. 698.)

AN ACT

To authorize the Trustees of the University of Georgia to execute titles to persons to certain lands in the county of Franklin, on conditions therein specified.

Trustees of
the University
authorized to
execute titles
to certain
lands on cer-
tain condi-
tions.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That immediately after the passing of this act, the trustees of the University of Georgia be, and they are hereby authorized and required to make, or cause to be made, to any person or persons, or the heirs of the same, on their producing the original deed of said trustees, with a relinquishment on the same, from the original purchasers, before any justice of the peace, or justice of the Inferior Court in said county, to any tract or fraction in the Shoal Creek tract, formerly being the land set apart for said university.*

Condition.

SECT. 2. *And be it further enacted, That said trustees are not authorized to make or cause to be made to any person, a title to any of the above described land, until the original purchase money, with the interest of the same, shall be paid, any law to the contrary notwithstanding.*

BENJAMIN WILLIAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 17th December, 1818.

WILLIAM RABUN, GOVERNOR.

AN ACT

(No. 699.)

To legalize certain deeds made by John Brown, President of the University of Georgia.

WHEREAS, by an act, entitled An act to authorize the trustees of the University of Georgia to sell the lands belonging to the said university, and to systematize the funds belonging thereto, passed the sixteenth day of December, eighteen hundred and fifteen, the said trustees did sell said lands in pursuance of said act, and by their then president, John Brown, did make deeds to the respective purchasers; And whereas, some doubts have arisen whether the said deeds are legally executed:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the said deeds shall be taken, held, and deemed, to all intents and purposes, as legal and valid, and admitted in evidence in any of the Superior Courts in this state, in their present form, and without other documents to support them.

Certain deeds made by the president of the University legalized.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 23d November, 1819.

JOHN CLARK, GOVERNOR.

VENDUE MASTERS.

1811.

(No. 700.)

AN ACT

To amend the act, entitled An act to amend the acts for regulating Vendues, so far as to authorize a Vendue Master for the town of Milledgeville.

A vendue
master author-
ized for Mil-
ledgeville.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That there shall be one or more vendue masters appointed for the town of Milledgeville, in the manner, and under the restrictions pointed out in the above recited act, any law to the contrary notwithstanding.*

ROBERT IVERSON,
Speaker of the House of Representatives.

MATTHEW TALBOT,
President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

AN ACT*

(No. 701.)

To alter the mode of appointing Vendue Masters for the city of Savannah, and to prescribe the method of taking bonds of, and qualifying the Vendue Masters throughout this state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted,* That such number of vendue masters for the city of Savannah, as the legislature may deem necessary, shall be appointed annually, by concurred resolution of both branches thereof; and in case of the non-acceptance of any person or persons so appointed, the Governor is authorized to make appointments in lieu thereof, and to fill such vacancies as may otherwise happen, during the recess of the General Assembly.

Vendue masters for Savannah, how appointed, &c.

SECT. 2. *And be it further enacted,* That the vendue masters throughout this state shall give bond, with good security, to the Governor for the time being, and to his successors in office, conditioned for the true and faithful performance of the duties required of them by law; and shall take and subscribe an oath, truly and faithfully to perform and discharge all such duties, which bond shall be taken and approved of, and oath administered, by the justices of the Inferior Court, or any two of them, of the county in which such vendue masters may be, under a *dedimus potestatem* from the executive department.

Vendue masters to give bond and security.

Shall take an oath.

SECT. 3. *And be it further enacted,* That all laws heretofore passed, vesting in the corporation of Savannah the power of appointing vendue masters for that city, be, and the same are hereby repealed: *Provided*, that nothing herein contained shall be construed to prevent the said corporation from receiving from the vendue masters in Savannah, the sum which they are required to pay to the treasurer of that city, by the

Repealing clause.

Proviso.

* The provisions of this act were altered by act of 1812, No. 702. But see act of 1819, No. 706, amendatory of the laws relative to vendues.

(No. 701.) second section of an act "to enable the corporation of Savannah to collect certain fines," &c. passed the twenty-sixth of November, eighteen hundred and two.

ROBERT IVERSON,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 16th December, 1811.

D. B. MITCHELL, GOVERNOR.

(No. 702.)

AN ACT*

To amend the several laws now in force within this state, for regulating of Vendues, and to alter the mode of appointing Vendue Masters for the city of Savannah.

The mayor and aldermen of Savannah authorized to appoint and license vendue masters.

What sums shall be paid to the state by the vendue masters of Savannah, Augusta and St. Mary's.

Regulations relative to the bonds, &c. of vendue masters.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the mayor and aldermen for the city of Savannah be, and they are hereby authorized to appoint and license annually such number of vendue masters for said city as they, in their discretion, shall think proper, such vendue masters first paying to the said city the sum required by law. All vendue masters who may be appointed for the city of Savannah, shall pay to the treasurer of the state the sum of one hundred dollars each; all those appointed for the cities of Augusta and St. Mary's, the sum of twenty-five dollars each, in addition to the one per cent. on all sales. All vendue masters which may be appointed for Savannah, Augusta and St. Mary's, shall be licensed by the corporation of said cities, before they shall proceed to act as such.*

SECT. 2. *And be it further enacted, That no vendue master within this state shall be permitted to act as such, until they give bond and security to the state for the faithful discharge of their duties, as is directed in and by an act, entitled An act better re-*

* See act of 1819, No. 706, amendatory of the laws on this subject.

gulating vendues within this state, passed the 8th day of December, 1794; which bond (No. 702.) and security the corporation of the cities of Savannah, Augusta and St. Mary's, are hereby authorized and required to take, before such vendue masters shall be licensed, and transmit the same without delay to the treasury office of this state: That no vendue master within this state shall proceed to act under their several appointments, until their respective bonds shall be deposited in the treasurer's office, and have obtained his receipt for the same, including therein the sums required by this act.

SECT. 3. *Be it further enacted*, That the mayor and aldermen for the city of Savannah shall not appoint and license any vendue master, who shall be in arrears to the state, on account of his or their former offices as vendue masters; neither shall any other vendue master, who shall be in arrears to the state on account of his or their former offices, as vendue master, act as such until all arrears shall be paid.

Vendue masters in arrears to the state, not to be appointed for Savannah. Other vendue masters so in arrears, prohibited from acting as such. Persons selling at auction, &c. in Savannah, Augusta and St. Mary's, without license, how punished.

SECT. 4. *And be it further enacted*, That any person who shall sell, or attempt to sell, at public auction, any goods, wares, merchandize, or any other property, within any of the cities of Savannah, Augusta, or town of St. Mary's, county and city officers, executors, administrators and guardians acting in their several capacities as such excepted, without first obtaining such license, he shall forfeit to and for the use of this state, the sum of three thousand dollars, to be recovered by bill, plaint, or indictment, in any of the counties in which such offence may happen.

SECT. 5. *And be it further enacted*, That the treasurer of the state shall, and he is hereby empowered and required, within twenty days after any sum or sums may become due by any vendue master, under this or any former law regulating vendues, who shall fail to pay the same within twenty days, to issue execution under his hand and seal, against each and every defaulter or defaulters, and their security or securities, under the same rules and regulations as are prescribed for the collection of taxes by the several tax laws now in force within this state.

Treasurer of the state authorized to issue executions against defaulting vendue masters.

SECT. 6. *And be it further enacted*, That all laws militating against this act be, and the same are hereby repealed.

Repealing clause.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

EXECUTIVE DEPARTMENT, GEORGIA.

Assented to, 5th December, 1812.

D. B. MITCHELL, GOVERNOR

(No. 703.)

AN ACT*

To repeal an act, entitled An act respecting Vendue Masters, so far as the same restricts and limits the number of Vendue Masters for the city of Augusta.

Preamble.

WHEREAS, the restricting and limiting the number of vendue masters for the city of Augusta, hath been found by experience to be injurious to the inhabitants of the said city, and the trade and commerce thereof :

Repealing clause.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said act, entitled An act respecting vendue masters, be, and the same is hereby repealed, so far as the same restricts and limits the number of vendue masters for the city of Augusta.

Intendant and council of Augusta authorized to appoint and license any number of vendue masters, &c.

SECT. 2. *And be it further enacted,* That the intendant and aldermen of the said city be, and they are hereby authorized, after the first day of October, eighteen hundred and seventeen, next, to appoint and license such number of vendue masters for the said city as they, in their discretion, shall think proper ; such vendue masters first paying to the said city the sum of one hundred dollars, and giving bond and security to the state agreeably to the act for regulating vendues, which bond and security the intendant and aldermen are hereby authorized and required to take, before such vendue masters shall be licensed, and transmit the same to the treasury office of this state.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

* See act of 1819, No. 706.

AN ACT.

(No. 704.)

To amend the several acts regulating Vendues in this state, so far as to authorize the appointment of a Vendue Master for the town of Greensborough, in the county of Greene.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That* immediately from and after the passing of this act, there shall be appointed biennially, by joint resolution of both branches of the General Assembly of this state, a vendue master for the town of Greensborough aforesaid, who shall be entitled to the same fees, and subject to the rules and regulations now in force in this state regulating vendues, with the exceptions herein after made.

Vendue masters for Greensborough, how appointed.

SECT. 2. *And be it further enacted, That the said vendue master aforesaid shall give* bond and security to the Inferior Court of Greene county, for the sum of one thousand dollars, for the faithful performance of his duty, subject to be sued for at the instance of the party injured by said vendue master.

Shall give bond and security.

SECT. 3. *And be it further enacted, That nothing in this act contained shall be so* construed as to extend the powers and authority of the said vendue master beyond the limits of the said corporation.

His powers not to extend beyond the limits of the corporation.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 12th December, 1816.

D. B. MITCHELL, GOVERNOR.

(No. 705.)

AN ACT

To vest the appointment of Commissioners of Academies, Vendue Masters, Notaries Public, and Lumber Measurers, in certain persons therein mentioned.

Preamble. WHEREAS, the present mode of appointing the aforesaid officers is very inconvenient, and occasions an unnecessary consumption of the time of the legislature:

Commissioners of academies, vendue masters, notaries public, and lumber measurers, how appointed.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the appointment of commissioners of academies in this state shall be, and is hereby vested in the commissioners of the respective academies; the appointment of *vendue masters, notaries public, and lumber measurers, shall be, and is hereby vested in the commissioners of the respective incorporated towns, or the persons in said towns, in whom the corporate powers are vested; and where there is no corporation or commissioners, the appointment of the said vendue masters, notaries public and lumber measurers, shall be made by the Inferior Courts of the respective counties, whenever such officers are deemed necessary and authorized by law.

No additional number, not allowed by law, shall be appointed.

Previous appointments, or such as may be made by the present session, shall not be vacated.

SECT. 2. *And be it further enacted,* That nothing contained in this act shall authorize the appointment of an additional number of any of the said officers, than is at present allowed by law, nor shall any thing contained in this act vacate any appointments which have been heretofore made, or which may be made during the present session of the legislature.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 18th December, 1816.

D. B. MITCHELL, GOVERNOR.

* As to vendue masters, see the next act.

AN ACT

(No. 706.)

To amend the several laws now in force relative to Vendues.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall not be lawful, in future, for the corporation of the city of Savannah to appoint more than six; that of Augusta, more than four; that of St. Mary's, more than two; that of Darien, more than two; and that of Milledgeville, more than two vendue masters for said places.

The number of vendue masters for Savannah, Augusta, St. Mary's, Darien and Milledgeville limited.

SECT. 2. *And be it further enacted,* That after the expiration of the time for which vendue masters may have been appointed by the corporations of the aforesaid places, agreeably to the existing laws in this regard, the following shall be the manner of appointing and licensing vendue masters therein; that is to say, the respective corporations of said places may, annually, on the first Monday in December, appoint the number of vendue masters allowed to each place by this act, and shall take bond in the sum of five thousand dollars, with two good and sufficient securities, for each vendue master so appointed, payable to the Governor of the state for the time being, and his successors in office, conditioned for the faithful performance of the duties required of vendue masters, in and by an act of the legislature, passed the 8th day of December, seventeen hundred and ninety-four, entitled *An act "for the better regulation of vendue masters within this state;"* and shall immediately cause such bonds to be forwarded to the treasurer of this state; who, upon the receipt thereof, and the payment of one hundred dollars by each vendue master in Savannah, twenty-five dollars by each in Augusta, fifty dollars by each in St. Mary's, fifty dollars by each in Darien, and twenty-five dollars by each in Milledgeville, for the use of the state, shall issue to each person so appointed, provided he is not in arrears to the state on account of any prior appointment as a vendue master, a license, authorizing him to act as a vendue master in the place for which he may have been appointed, for one year, to commence on the first day of January next ensuing the time of said appointment: *Provided nevertheless,* that if vendue masters have not been appointed in any of the aforesaid places, for the ensuing year, it shall be lawful for the corporation of any such place, to make such appointment at any time after the passage of this act, and previous to the first day of February next, and for the treasurer to issue a license to any person so appointed for one year, to expire on the thirty-first of December, eighteen hundred and twenty, upon the foregoing conditions as to bond, and payment of premium for license being complied with.

How appointed in future..

Each vendue master to give bond and security.

Said bonds to be forwarded to the state treasurer, who (upon the payment of a certain sum by each vendue master of the places aforesaid) shall issue a license to each for one year.

Proviso.

(No. 706.)

Penalty on persons selling or attempting to sell at auction, &c. without a license.

How recovered and disposed of.

Proviso.

SECT. 3. *And be it further enacted,* That if any person shall sell, or attempt to sell, any goods, wares or merchandize, or any other property whatever, as a vendue master, or at public auction, in any of the aforesaid places, without having first obtained a license from the treasurer as aforesaid, he shall forfeit and pay for every sale, or attempt to sell, the sum of five hundred dollars, to be recovered of him in any court of competent jurisdiction; and to be applied, one half to the use of the state, and the other half to the person giving information and suing for said fine: *Provided always,* that nothing contained in this section shall be construed to extend to sales made by lawful officers, under executions issuing from the proper authority, or to sales made by or under the authority of executors, administrators or guardians.

Vendue masters required to keep a book of sales, and quarter yearly to make a return on oath to the treasurer, of the amount of sales.

What shall be done in case any vendue master shall fail to make such return within 30 days after the expiration of a quarter, or having made it, shall fail to pay one per cent. on the amount thereof to the treasurer.

SECT. 4. *And be it further enacted,* That every vendue master in this state shall keep a book, in which shall be entered every article by him sold at public auction, and the price at which the same was sold; and shall, quarter yearly, on the last days of the months of March, June, September and December, in every year, cast up the amount of his sales, and prepare a return thereof, to be made to the treasurer of this state; which return shall be sworn to by him, before some judge, justice of the Inferior Court, or justice of the peace of this state, as containing the true and accurate amount of his sales at auction, of every description whatever, during the quarter or time therein expressed. And if any vendue master shall fail or neglect to make a return, sworn to in the manner above pointed out, to the treasurer, within thirty days after the expiration of either of the said quarters; or, having made the same, shall, within that time fail to pay to the treasurer, the tax or duty of one per centum on the amount of such return, it shall be the duty of the treasurer, as soon as he thereafter can cause to be published, in one of the gazettes of the town or city in which such delinquent may be a vendue master; and in case of no gazette being published therein, in the gazette of the nearest town or city thereto, a notice of such failure to make a return, or to pay said duty; and if any such delinquent vendue master shall, after the publication of such notice, sell, or attempt to sell, any goods, wares and merchandize, or property of any kind whatever, at public auction, or as a vendue master, he shall incur a penalty equal to that mentioned in the preceding section, to be recovered of him in the manner, and for the purposes therein expressed.

Vendue masters failing to pay said tax, how proceeded against.

SECT. 5. *And be it further enacted,* That it shall be the duty of the treasurer, and it is hereby made lawful for him, when returns are made, as in the preceding section directed, and the tax or duty thereon not paid within the time required, to issue his execution against the vendue master so in default, and his securities, for the amount of the tax or duty accruing to the state on his return; and the sheriff in whose hands such execution may be placed, shall be bound to collect and pay over the same within the time therein required; and in case of failure so to do, to be proceeded against in the

manner pointed out by law, for failing to collect and pay over the amount of any executions against a tax collector ; and in case no return shall have been made, the treasurer shall immediately transmit the bond of any vendue master, so delinquent, to the attorney, or one of the solicitors general, to be put in suit. (No. 706.)
How proceeded against for not making a return.

SECT. 6. *And be it further enacted,* That every vendue master shall, at the time of transmitting a return of the amount of his sales for any quarter, to the treasurer, deliver to the clerk of the corporation of the place for which he is a vendue master, a duplicate thereof, which the said clerk is hereby required to file in his office ; and if any quarter shall expire, during which a vendue master may have made no sales at auction, it shall be the duty of each vendue master to state the same on oath to the treasurer, and on failing so to do, shall be prohibited from further acting as such, in the manner prescribed by the 4th section of this act, for failing to make his return, or to pay the duty on his sales ; and shall incur the same penalties as that therein pointed out, for disregarding such prohibition, to be recovered and applied as therein directed. A duplicate of each return to be delivered to the clerk of the corporation, and filed in his office. Duty of the vendue master when no sales have been made during a quarter.

SECT. 7. *And be it further enacted,* That if any vendue master shall make a fraudulent return to the treasurer, of the amount of his sales for any quarter, or shall return a less amount than that actually sold by him, he shall, upon due conviction thereof, before any court of competent jurisdiction, be deemed and held guilty of perjury ; and his securities shall moreover be liable for any loss which may accrue to the state, or any individual, by reason of such fraudulent or improper return. A vendue master who shall make a fraudulent return, upon conviction thereof, shall be held guilty of perjury. His securities liable for any loss to the state or any individual.

SECT. 8. *And be it further enacted,* That all laws or parts of laws, which oppose the provisions of this act be, and the same are hereby repealed. Repealing clause.

SECT. 9. *And be it further enacted,* That his excellency the Governor cause this act to be published as early as possible, in one of the gazettes of Milledgeville, Augusta, Savannah and Darien. This act to be published in certain gazettes.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 21st December, 1819.

JOHN CLARK, GOVERNOR.

WEIGHING.

1815.

(No. 707.)

AN ACT

To regulate the manner of weighing with Scales or Steelyards, throughout the state of Georgia.

Preamble.

WHEREAS, it is customary to deduct, for every draft or turn of the scale or steelyards, a certain number of pounds in proportion to the weight of the article weighed, which custom is evidently contrary to every principle of justice or propriety: for remedy whereof,

No deduction to be made for the turn or draft of the scale or steelyards.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately from and after the first day of January next, it shall not be lawful to make any such deduction from the true weight of any article or articles, for or on account of the draft or turn of the scale or steelyards.

Forfeiture for making such deduction.

SECT. 2. *And be it further enacted,* That any purchaser or weigher of any article or articles whatever, who shall require or make the deduction or deductions, intended to be provided against by the foregoing section, shall forfeit and pay, for each and every such offence, the sum of five hundred dollars, to be recovered by action of debt before any court having competent jurisdiction to take cognizance thereof; one moiety of

How recovered and disposed of.

which forfeiture shall go to the use, and for the benefit of the county in which such (No. 707.) offence shall have happened, and the other to the informer.

SECT. 3. *And be it further enacted,* That all laws militating against this act be, and the same are hereby repealed. Repealing
clause.

BENJAMIN WHITAKER,
Speaker of the House of Representatives.

WILLIAM RABUN,
President of the Senate.

Assented to, 16th December, 1815.

D. B. MITCHELL, GOVERNOR.

WHARVES, WHARFAGE, SHIPPING, &c.

1815.

(No. 708.)

AN ACT

For the repeal of an act, entitled An act for amending an act, entitled An act for regulating the Wharves and Shipping in the several ports in this province, and ascertaining the rates of Wharfage, and Shipping, and Storage, and also the duty of the Harbour Master to put in force an act, entitled An act to amend an act to prevent persons from throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same.

Preamble.

WHEREAS, the commercial advantages enjoyed by the good people of this state, require that every unnecessary restriction upon the same should be removed; and as experience has shown that an act passed by the General Assembly of this state, on the twenty-sixth day of June, in the year of our Lord eighteen hundred and six, amendatory of an act passed by the Commons House of Assembly of the then province of Georgia, on the twelfth day of March, seventeen hundred and seventy-four, entitled An act to regulate the wharves and shipping in the several ports of this province, and ascertaining the rates of wharfage, and shipping, and storage, &c. &c. &c. is productive of considerable additional and needless expense to merchants and ship owners, and of delay in loading and unloading of vessels, and is of no manner of utility to the public, which should at all times be the principal inducement to the enactment of laws for the government of a free people:

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the act entitled An act for amending an*

act, entitled An act for regulating the wharves and shipping in the several ports of this province, and ascertaining the rates of wharfage, and shipping, and storage, and also the duty of the harbour master for the port of Savannah, and to authorize the said harbour master to put in force an act, entitled An act to amend an act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same, be, and the same is hereby repealed. (No. 708.)
The recited act repealed.

SECT. 2. *And be it further enacted,* That the act entitled An act to regulate the wharves and shipping, in the several ports of this province, and ascertaining the rates of wharfage, of shipping and storage, and also the duty of the harbour master for the port of Savannah, and to authorize the said harbour master to put in force an act, entitled An act to amend an act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same, passed the 12th day of March, seventeen hundred and seventy-four, by the Commons House of Assembly of the then province of Georgia, be, and the same is hereby declared to be, in full force and operation. The act recited in this section revived.

BENJAMIN WHITAKER,

Speaker of the House of Representatives.

WILLIAM RABUN,

President of the Senate.

Assented to, 12th December, 1815.

D. B. MITCHELL, GOVERNOR.

RESOLUTIONS,

WHICH ORIGINATED IN SENATE IN 1811.

IN SENATE, 19th November, 1811.

WHEREAS, the legislature of this state did, by resolution, on the 19th and 25th days of November, one thousand seven hundred and ninety-four, release and exonerate Jacob Waldburger, esquire, now deceased, from the purchase of two plantations, called Dublin and Cherryhill, situate and being in the county of Bryan, originally confiscated as the property of John B. Maxwell, in consequence of the wife and children of the said John B. Maxwell having obtained the possession of the said plantations after the sale to the said Jacob Waldburger, and before he could gain possession under the title he had received from the state: *And whereas*, the then attorney general of the state was, by the said legislature, ordered and directed to bring suit against the person or persons who had the possession of the said plantations, and held the same in opposition to the claims of the state: *And whereas*, it does not appear that any action was ever brought or prosecuted for the recovery of the said plantations, in behalf of the state, notwithstanding although the widow of the said John B. Maxwell has continued in the possession of the same, in opposition to the claim of the state, and the order before referred to; by which means the state has been for many years deprived of the use of the said plantations, or of the money for which they would have sold:

In Senate.

(No. 1.)

Be it therefore resolved by the Senate and House of Representatives, That the solicitor general for the eastern district do, as soon as possible, bring suit for and in behalf of this state, against any and all persons having, or claiming the possession, or any other right or interest of, or in the said plantations, called Dublin and Cherryhill, in the county of Bryan, originally confiscated as the property of John Butler Maxwell as aforesaid: and that he use all lawful means for the recovery of the same.

Approved, 30th November, 1811.

In Senate.

IN SENATE, 15th November, 1811.

- (No. 2.) WHEREAS, the opening of a road from or near the mouth of the Alcofauhatchee, on the Ocmulgee river, to where the same would intersect the road leading from Milledgeville to Fort Stoddart, at or near M^cIntosh's ferry, on the Chatahuchee river, would be of manifest advantage to the citizens of the upper and western parts of this state.

And whereas, the opening of a road leading from Jefferson in Jackson county, to Huntsville in Madison county, Mississippi Territory, would also be of manifest advantage to the citizens, not only of this state, but also to the inhabitants of the said territory.

Be it therefore resolved, That his excellency the Governor be, and he is hereby requested to make application to the President of the United States, on the subject of said road, and procure, if possible, the laying out and opening of the same.

Approved, 30th December, 1811.

IN SENATE, 18th November, 1811.

- (No. 3.) WHEREAS, disputes have frequently arisen between the frontier inhabitants of Jackson and Franklin counties and the Cherokee nation of Indians, which might, in a great measure, be prevented, by having the Chatahuchee river made the line between this state and the said Cherokee nation of Indians; and there being good reason to believe that the said Indians, on proper application being made, would dispose of said lands:

Be it therefore resolved, That his excellency the Governor be, and he is hereby authorized and requested to appoint, not exceeding three persons as commissioners on the part of this state, to make application to the Cherokee nation of Indians, through the agency of the United States, for the purpose of obtaining the consent of said Indians to a disposition of the land lying within the following boundary, viz: beginning where the line between this state and the Creek nation of Indians leaves the Appalachian river; thence on the said line to where the same crosses the Chatahuchee river; thence up the aforesaid Chatahuchee, to where Choatee river intersects the same; from thence in a straight direction, so as to strike the Tugalo river, where the trading road from the Ocuncky mountain near the mouth of Warwoman's creek crosses the same, or so much thereof as the said nation of Indians may be disposed to part with.

Approved, 30th November, 1811.

In Senate.

IN SENATE, 4th December, 1811.

RESOLVED, That whereas it is found, in some instances, that persons have had state troop bounty warrants renewed and paid into the treasury office of this state, without the knowledge or consent of the proprietors of the said warrants ; and it is presumed that in some instances they have obtained warrants, by stating the loss of their original warrant ; and on examination may be found to have been twice discharged by the state : *And whereas*, it is difficult to discover the fraud practised against individuals, as well as the state, by reason of the bundles containing those warrants being sealed up, and the treasurer not being authorized to open them, for the inspection of the citizens : (No. 4.)

Be it therefore resolved, That the treasurer be, and he is hereby authorized to break open all and every bundle or packet in his office, which contains state troop bounty warrants, for the inspection of any of the citizens of this state.

Approved, 13th December, 1811.

IN SENATE, 22d November, 1811.

The committee on the state of the Republic, to whom was referred the communication of his excellency the Governor, on the subject of a letter received by him from Mr. John H. Bass, of Hancock county, (No. 5.)

REPORT, That they have taken the same under consideration, and are of opinion, that as the lot of land alluded to in the said letter was purchased of the state, and as the controversy at law appears to be between Thomas Culbreath, a fraudulent drawer in the land lottery, and the said Bass ; your committee are of opinion, that it is just and right that the state should defend the same ; they therefore recommend the following resolution :

Resolved, That his excellency the Governor be, and he is hereby requested to employ some fit and proper person as an attorney, in behalf of this state, to defend the said suit.

Approved, 13th December, 1811.

IN SENATE, 29th November, 1811.

WHEREAS, by the first rule forming the fundamental articles of the constitution of the Augusta Bank, fifty thousand dollars were reserved until the first day of January, (No. 6.)

In Senate. one thousand eight hundred and twelve, on the original terms to be then, or at any prior time, taken by the state, according to the pleasure of the legislature.

Resolved therefore, That his excellency the Governor be, and he is hereby authorized and required to cause the said five hundred shares to be subscribed for within the time limited, for the state of Georgia.

And be it further resolved, That an appropriation be made in the appropriation act to be passed this session, for fifty thousand dollars, for the purpose aforesaid, to be by him applied in said subscription, according to the constitution and bye-laws of said bank.

Approved, 13th December, 1811.

IN SENATE, 22d November, 1811.

(No. 7.) WHEREAS, his excellency the Governor of this state has laid before this General Assembly, a resolution passed by the Congress of the United States, in the words following, to wit:

Resolved by the Senate and House of Representatives, in Congress assembled, Two-thirds of both houses concurring, that the following section be submitted to the legislatures of the several states; which, when ratified by the legislatures of three-fourths of the states, shall be valid and binding, as a part of the constitution of the United States.

If any citizen of the United States shall accept, claim, receive or retain, any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them.

Be it unanimously resolved by the General Assembly of the state of Georgia, That the foregoing amendment, proposed by Congress to the constitution of the United States, be, and the same is hereby, on the part of this state, agreed to, ratified and confirmed.

And be it further resolved, That his excellency the Governor be requested to transmit copies of the foregoing resolution to the president of the senate, and speaker of the house of representatives of the United States, and to each of our senators and representatives in Congress, and to each of the governors of the several states.

Approved, 13th December, 1811.

In Senate.

IN SENATE, 19th November, 1811.

WHEREAS, the opening of a road from the town of Hartford in the county of Pulaski, crossing Flint river, at or near Timothy Barnard's; and from thence the most practicable direct course, so as to intersect the main road lately laid out through the Creek nation of Indians, from Milledgeville to Fort Stoddart, at or near where the same crosses the Chatahuchee, would be of manifest convenience to the citizens living in the eastern parts of this state: (No. 8.)

Be it therefore resolved, That his excellency the Governor be requested to address the President of the United States, on the subject of the aforementioned road, and obtain, if possible, the laying out and opening the same.

Approved, 30th November, 1811.

IN SENATE, 10th December, 1811.

The committee on the state of the Republic, to whom was referred the Governor's communication, enclosing the President's message: (No. 9.)

REPORT, That the important information communicated to Congress by the President's message, in relation to our foreign affairs, loudly admonishes the people of this state to suffer no circumstance to surprise their vigilance, or to find them unengaged in suitable preparation for any event. Congress is required to "feel the duty of putting the United States into an armour and an attitude, demanded by the crisis," a precaution applying so forcibly to our own condition and interests, that it cannot fail to excite a correspondent feeling of the necessity of a seasonable readiness. On the verge of hostilities with nations long unmindful of the obligations of national law, it would be needless to enumerate their repeated wrongs, or our unsuccessful appeals to their justice for redress: should the destinies which await the nation, compel a vigorous resistance to the encroachments so long continued upon the envied prosperity of our country, we will approach the contest, animated by the fervent conviction, that we shall be supported by every principle of a just and honourable cause.

The conduct and character of our federal administration afford us the most assured and illumined proofs of virtuous measures, and manly intentions; reflections that must embolden every patriot and soldier in his progress through the trying perils of warfare. should he be reduced to that alternative.

In Senate.

It is not now for us to repose on a boasted display of our designs, nor to rely on a pompous expression of our feelings; but should our services be required, it becomes us, in the strength of calm and united exertions, invigorated by the constant sentiment of inflexible rectitude, to meet the deprecated struggle with stern and unwavering contempt of individual danger; convinced that truth, reason and justice will be arrayed against guilt, rapacity and violence.

The general government doubtless feels, on this eventful occasion, an anxious solicitude for a knowledge of the temper and sensibility of the nation; we will, therefore, with undissembled cheerfulness, hasten to declare our cordial approbation of its administration, and our confidence in its future determinations. And as an honest pledge of the sincerity of this declaration, we do unanimously

Resolve, That should the national legislature, in its wisdom, determine our interests, our rights, or our honour to have been outraged beyond the tardy remedy of negotiation, and that an appeal to arms must be substituted, we will, under the favour of Heaven, with one consent, and with proud alacrity, fly to aid, maintain and support the government of our choice, and to defend, protect and preserve our beloved country.

Approved, 16th December, 1811.

IN SENATE, 10th December, 1811.

(No. 10.) The committee to whom was referred the petition of Jesse Bussin, praying the sanction of this legislature, so far as to authorize the state commissioners to lease to him three acres of the town commons, for the purpose of establishing a slaughter-pen, Report, they have examined the same, and believe no inconveniency would attend the leasing of three acres as prayed for; *Provided*, the same shall not be applied to any other use than that of a slaughter-pen; therefore recommend the following resolution:

Resolved, That the state commissioners do lease to Jesse Bussin, three acres of the town commons for the establishment of a slaughter-pen, for the term of three years; *Provided*, he does not apply the same to any other use.

Approved, 16th December, 1811.

In Senate.

IN SENATE, 30th November, 1811.

The committee on the state of the Republic, to whom was referred the petition of (No. 11.)
Noris Lyons, Report, That

WHEREAS, Noris Lyons, captain of a troop of light dragoons, of the county of Oglethorpe, has petitioned, in behalf of his company, for a supply of arms; and whereas, the deep importance of volunteer associations for the defence of a republic, as they must ever be bottomed upon principles of patriotism, has been recognised and felt by the state of Georgia; and whereas, the present crisis calls with more than ordinary inducements for the encouragement of such associations; and whereas, the company petitioning through their captain for this supply are already nearly complete, and certain arms are in the possession of the state, useless at present, and which cannot be better appropriated than by investing them in the said association:

BE it therefore resolved by the Senate and House of Representatives, in General Assembly met, That the Governor be, and he is hereby authorized to deliver all the swords now in possession of the keeper of the arsenal in Louisville, provided the number thus appropriated be not above forty, to the order of Noris Lyons, or the then captain of said troop; *Provided,* the officer gives sufficient security for their safe keeping and restoration at the call of the executive.

Approved, 16th December, 1811.

IN SENATE, 5th December, 1811.

RESOLVED, That the line run by Daniel Sturges, esquire, late surveyor general, between (No. 12.) the counties of Baldwin and Wilkinson, shall be held and deemed the dividing line between the said counties of Baldwin and Wilkinson.

Approved, 16th December, 1811.

IN SENATE, 11th December, 1811.

RESOLVED, That the commissioners of the town of Milledgeville do cause to be laid (No. 13.) off to Jane Rucker, widow, three acres of land, out of the town common, adjoining the lot now occupied by William Jarratt, and lease the same to her for a valuable consideration, for the term of ten years.

Approved, 16th December, 1811.

In Senate.

IN SENATE, 6th December, 1811.

- (No. 14.) **RESOLVED**, That it shall be the duty of the justices of the Inferior Courts of Laurens and Pulaski counties, or a majority of them, to convene at the house of Asa Pipkins, on the dividing line between said counties, on the first day of February next, or within twenty days thereafter, and pay over to John Thomas a reasonable compensation for his services in surveying and laying out the county of Pulaski, and running the dividing line between the aforesaid counties of Laurens and Pulaski, in conformity to an act, passed thirteenth December, one thousand eight hundred and nine.

Approved, 16th December, 1811.

IN SENATE, 5th December, 1811.

- (No. 15.) The joint committee on finance, to whom was referred the petition of Nathaniel Twining, having taken the same into consideration, recommend the following resolution :

Resolved, That the prayer of the petitioner is reasonable, and ought to be granted, and that twenty-five dollars be appropriated accordingly.

Approved, 16th December, 1811.

IN SENATE, 10th December, 1811.

- (No. 16.) The special committee to whom was referred the memorial of Edmund B. Jenkins, surveyor general, praying compensation for services rendered in his office,

REPORT, That your committee are sorry to observe, that much evil and considerable expense has grown out of the changes heretofore made in some of the state officers; for we find that when Mr. Sturges, late surveyor general, was succeeded in his office, he brought a charge against the state for fifteen hundred dollars, for anticipated services performed in that office, which sum he has actually received; and the claim of Mr. Jenkins being founded on his having to perform services which ought to have been done by Mr. Sturges, that this evil appears to have proceeded out of the premature appropriation made in favour of Mr. Sturges in the first instance.

Your committee, considering the justice of Mr. Jenkins's claim, relative to the five thousand certificates recorded by him, recommend that he be allowed ten cents for each

certificate, amounting to the sum of five hundred dollars, and that the same be provided for in the appropriation law. In Senate.

Approved, 16th December, 1811.

IN SANATE, 9th December, 1811.

The joint committee to whom was referred the memorial of Adams & Duyckinck, (No. 17.) have taken the same into consideration, and deeming it important that the laws and concurred resolutions of one thousand eight hundred and ten should be added to the compilation of the laws and resolutions now in the press, and considering that the circumstances stated in the memorial are sufficient to authorize an extension of time for printing and publishing the laws and resolutions, recommend the following resolution:

Resolved, That the time for printing and publishing the laws and resolutions, as contracted for by the memorialists, be extended to the first day of June next, on condition that the laws and concurred resolutions of one thousand eight hundred and ten be added and printed by the contractors, on the same terms as they have contracted to print the compilation; and for this extra work, his excellency the Governor shall be authorized and required to pay the same out of the contingent fund.

Approved, 16th December, 1811.

IN SENATE, 6th December, 1811.

The joint committee to whom was referred the Governor's communication, dated (No. 18.) 29th November, one thousand eight hundred and eleven,

REPORT, That from a review of the constitution, they coincide in opinion with his excellency, that, having no control over constitutional questions, it was not within the contemplation of the constitution that his signature should be made to any article of amendments to the constitution, upon which two-thirds of both houses had already agreed; nor is it necessary, in the opinion of your committee, for him to sign any law to which he had dissented, and which afterwards passed by a majority of two-thirds of both houses.

In Senate. The tenth section of the second article of the constitution is in the words following, viz :

“ He (the Governor) shall have the revision of all bills passed in both houses before the same shall become laws, but two-thirds of both houses may pass a law, notwithstanding his dissent ; and if any bill should not be returned by the Governor within five days after it hath been presented to him, the same shall be a law, unless the General Assembly by their adjournment shall prevent its return.”

And the fifteenth section of the fourth article is in the words following, viz :

“ No part of this constitution shall be altered unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the house of representatives, and three times in the senate, on three several days in each house, and agreed to by two-thirds of each house respectively ; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the General Assembly ; and if such alterations, or any of them so proposed, shall be agreed to in their first session thereafter by two-thirds of each branch of the General Assembly, after the same shall have been read three times on three separate days in each respective house, then, and not otherwise, the same shall become a part of this constitution.”

From a view of these sections, your committee believe that the Governor's signature is not intended in the passage of any bill upon which both houses had exercised their constitutional right of two-thirds.

But as inconvenience may result, and in fact the objects of the constitution be defeated by amendments to the same, differing from each other, in two different sessions, they recommend that the following rule be adopted by both houses, viz :

That when an alteration or amendment to the constitution has passed during one session of the legislature, the same bill, with the seal of state thereunto affixed, shall be introduced for its final passage at the next, and that no other bill be received in lieu thereof.

Approved, 16th December, 1811.

In Senate.

IN SENATE, 5th December, 1811.

The committee on the state of the Republic, to whom was referred the letter from (No. 19.) certain commissioners appointed by the state of New-York, for the purpose of providing for the improvement of the internal navigation of said state,

REPORT, That they have had the same under consideration, and duly weighed its objects, policy, and consequences. They are assured that the contemplated opening of a canal navigation between the great lakes and Hudson river, is an object involving much labour and expense, and such an undertaking as would justify a sister state, even so remote from our own, in requesting pecuniary aid, on the ground of its difficulty.

They are also impressed with the policy and importance to the federal union of multiplying the ligaments which hold the states together, while they would studiously avoid every thing which in the least might tend to a consolidation. The state which commences the important policy of connecting extremes, therefore, in the estimation of your committee, deserves the express approbation of every state in the union.

For the consequences of such an undertaking, are indirectly interesting to the whole confederation; for from hence may spring infinite ramifications of canals into other states, and thence open the stores of the circumjacent territories of the great lakes, to every state. The facilitation of interior commercial communication is certainly at this crisis of primary importance, since the piracy and contempt of national law evinced by the belligerents of the old world, must convince every reflecting mind that domestic manufactures should be sanctioned by every possible means, and the easy internal transitions of them from place to place, will aid the great objects of independence.

But contemplating, as your committee are constrained to do, the resources of our state, and the probable application of its funds in the improvement of our own internal navigation, and for the obtention of other objects of importance to our particular state; they are under the necessity of recommending, that no appropriation for effecting a connection between the great lakes and Hudson river, be made on the part of the state of Georgia.

Expressing, as they have done, the approbation of the policy of connecting extremes by canal navigation, it might seem incumbent upon your committee, to recommend the exercise of the influence of the state of Georgia in the councils of the Union to which she is entitled: but believing, as they do, that from the peculiar nature of this question, that our representatives are possessed of the most correct means of information on this particular subject, being at the centre of the Union, and deriving information of mem-

In Senate. bers from adjacent states, they would recommend, that the legislature avoid any step which may tend to bias their minds.

Be it therefore resolved by the Senate and House of Representatives, That the Governor be, and he is hereby requested to answer the letter herein referred to, to the effect herein above expressed.

Approved, 16th December, 1811.

IN SENATE, 14th December, 1811.

(No. 20.) WHEREAS, there is no law or resolution compelling the secretary of state, treasurer, surveyor general or comptroller general, to make out a list or schedule of all the books of record in either of the said offices; nor is there any check on the records of said offices, so that should any book or books be lost or mislaid: therefore,

Be it resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority aforesaid, That it shall be the duty of the aforesaid secretary of state, treasurer, surveyor general and comptroller general, to make out and lay before the next General Assembly true and correct lists of all the books of records in each of their respective offices, designating in said schedule the different books, and what each contains, and the dates of such books.

Approved, 16th December, 1811.

IN SENATE, 14th December, 1811.

(No. 21.) On communication of his excellency the Governor, enclosing an estimate of the valuation of the state-house, agreeably to a joint resolution of both branches of the legislature being taken into consideration, it is hereby

Resolved by the Senate and House of Representatives, That the valuation reported by Messrs. Crawford, Morgan, Robertson, Allen and Jordan be, and the same is hereby acceded to by this legislature, so far as respects the bill submitted, amounting to seventy-four thousand nine hundred and seventy-six dollars, forty and one quarter cents.

And be it further resolved, That his excellency the Governor take suitable means to recover back from Messrs. Thomas and Scott, the amount overpaid to them for said work.

Approved, 16th December, 1811.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1811.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, 27th November, 1811.

THE committee on the state of the Republic, to whom was referred the memorial of Messrs. Thomas and Scott, relative to the completion and building of the state-house,

In the House
of Represen-
tatives.

(No. 22.)

REPORT, That as a speedy settlement between the commissioners of the state-house and the undertakers is desirable, and ought without delay to be effected, we therefore recommend the following resolution :

Resolved, That the commissioners without delay appoint two fit and proper persons, and the contractors also two fit and proper persons, who, together with the two appointed by the commissioners, shall appoint a fifth person, and the five persons so selected shall, after having first taken an oath to value said building according to the best of their judgments, proceed as soon as convenient to the valuation of said building, and report the result thereof to his excellency the Governor.

And be it further resolved, That the persons to be appointed for valuing the state-house, be directed to do it in such a manner as to give the legislature a full view of the cost of the different items of mechanism, viz: the amount of laying of brick and stone work, covering in of said house, casing and facing of the doors and windows, shutters and sashes of the same, plastering and stucco work of the different rooms, flooring and running the different stairs, the amount of the galleries, the amount of the different wainscoting and pannel work, and also the amount of bannistering and glass; and also the amount of every and any other item not herein particularly specified.

Approved, 28th November, 1811.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 29th November, 1811.

- (No. 23.) WHEREAS, the laying out and opening a road from the town of Hartford in Pulaski county, to Colerain, in the county of Camden, leading through lands belonging to the Creek Nation of Indians, would tend much to the benefit and advantage of the citizens of this state, as well as to the United States, in facilitating the removal of stores or troops from the western to the southern frontier of this state.

Be it therefore resolved, That his excellency the Governor be, and he is hereby requested to make application to the President of the United States for the purpose of obtaining so desirable an object.

Approved, 13th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, 23d November, 1811.

- (No. 24.) RESOLVED, That whereas, under the act of the legislature of the state of Georgia, authorizing the commissioners of the academies of the several counties in this state to purchase one thousand pounds worth of confiscated property for the use of the academies of their respective counties, the commissioners of the academy of the county of M^cIntosh did purchase, at the confiscated sales, lands to the amount of the sum they were entitled to under the said act; in which purchase was included a tract of land confiscated as the property of — Wright, which tract, after a tedious and expensive lawsuit, has been legally decided to be the property of a citizen of this state, and the said county of M^cIntosh has been deprived of the advantages intended to be given by the said act, except the sum of fifty-four pounds nine shillings, which the commissioners aforesaid did secure by the purchase of one other tract.

Resolved therefore, That the commissioners of the academy of the county of M^cIntosh be, and they are hereby authorized to purchase to the amount of nine hundred and forty-five pounds, eleven shillings worth of any confiscated property that may hereafter be sold, for the use of the academy of the county of M^cIntosh.

Approved, 13th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 29th November, 1811.

In the House
of Represent-
atives.

The committee to whom was referred a resolution of this house, in the words following, "*Resolved*, That a committee be appointed to enquire into the propriety of the corporation of Milledgeville licensing Faro-banks, E. O. tables, &c." (No. 25.)

REPORT, That with concern they have for several years witnessed the prevalent and increasing habit of gambling, which seems to pervade a certain order of the community in this state, and particularly in the town of Milledgeville; that they deem it the especial duty of the legislature to suffer nothing to exist under its eye, which can tend either to excite or confirm habits injurious to society at large; that the town of Milledgeville, being the permanent capital of the state, and the place of residence and convening of the governing and constitutional authorities, should, in every case, set such an example as should deter lesser corporations or communities from vice in every shape: Therefore,

Resolved, That it is strongly recommended and required of the corporation of the town of Milledgeville, and county officers of Baldwin county, and all other corporations and county officers, to use the most energetic measures consonant with law, to arrest all Faro-banks, E. O. tables, or gambling of every description, and to put the vagrant act into full force; or any law which has a bearing on gaming or gamblers.

Approved, 14th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, 7th December, 1811.

RESOLVED, That whereas, many persons have heretofore become securities to the purchasers of the town lots in Milledgeville; and whereas, those purchasers have delayed payment at the risk of their securities; and whereas, if the legislature should be inclined to give further indulgence to those purchasers, it would seem unjust that such indulgence should be extended at the risk of the securities: for remedy whereof, (No. 26.)

Be it resolved, That on application to the treasurer, by any such security or securities, his or their executor, administrator, agent or attorney, it shall be the duty of the treasurer, forthwith to place in the hands of the attorney or solicitor general, the obligation or obligations whereby the said applicant and his principal are bound for the payment of monies to the state, and it shall be the duty of the said attorney or solicitor general to pursue such measures as may enforce a speedy collection of the same.

Approved, 14th December, 1811.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
Friday, 6th December, 1811.

- (No. 27.) The joint committee on finance, to whom was referred the resolution from the house of representatives, requesting the committee to inquire and ascertain what fund can be appropriated for the rearing a penitentiary edifice, beg leave to recommend the following resolution :

Resolved, That the sum of ten thousand dollars be, and the same is hereby appropriated for the rearing of a penitentiary edifice, to be drawn for during the year one thousand eight hundred and twelve.

Approved, 14th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,
Thursday, 5th December, 1811.

- (No. 28.) *RESOLVED*, That his excellency the Governor be, and he is hereby requested to obtain, from the proper department of the general government, information respecting monies now in its possession due to the state of Georgia, and how much they are willing to pay ; and to make a report to the next General Assembly.

Approved, 14th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,
Friday, 13th December, 1811.

- (No. 29.) *RESOLVED*, That his excellency the Governor be requested to pay, out of the contingent fund, to Obadiah Crawford, Stokely Morgan and William Jordan, the sum of fifty dollars each, in addition to the sum appropriated to them by law.

Approved, 16th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,
Friday, 13th December, 1811

- (No. 30.) *RESOLVED*, That his excellency the Governor, and the commissioners appointed to contract for the erection of a penitentiary edifice, do fix on the site thereof, as near the centre of the penitentiary square as convenience will admit of, and lay off a square round the building, the area of which shall contain four acres, for the purpose of out-works

and garden, with a street of convenient width ; and lay out the balance of said square in half acre lots, subject to the disposition of a future legislature, for the use of the penitentiary.

In the House
of Represen-
tatives.

Approved, 16th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,
Wednesday, 11th December, 1811.

Resolved, by the Senate and House of Representatives, in General Assembly met, That (No. 31.)
John Howard, John W. Devereux and Hubert Reynolds be, and are hereby appointed commissioners for contracting with mechanics for the rearing of a penitentiary edifice ; and that the Governor be, and is hereby authorized to advertise for mechanics to perform this work, and to suggest such plan of a building, as he may deem suitable for the confinement of criminals ; and that his signature be necessary to all contracts made by said commissioners, previous to such contracts being deemed valid.

And be it further resolved, That the sum of ten thousand dollars, appropriated for the rearing of a penitentiary edifice, be, and is hereby placed under the control of his excellency, for the payment of contracts entered into by said commissioners, and approved of by him.

And be it further resolved, That if any of the said commissioners shall, on notification of their appointment, decline acceptance of such appointment, the Governor is hereby authorized to supply such resignation or non-acceptance.

Approved, 16th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,
Friday, 29th November, 1811.

WHEREAS, great inconveniency has been experienced from the discontinuance of the (No. 32.)
mail route between the city of Savannah and the town of Milledgeville, by the way of Louisville and Sandersville, tending greatly to procrastinate the time of receiving or transmitting information to and from the principal commercial city in this state, where most of the mercantile transactions between the merchants and planters take place.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That our senators in the Congress of the United States be instructed, and our representatives requested, to use their interest and influence to have the said mail route or post road re-established ; and that his excellency the Governor be request-

In the House
of Represen-
tatives.

ed to transmit a copy of this resolution to our representatives in the Congress of the United States.

Approved, 16th December, 1811.

IN THE HOUSE OF REPRESENTATIVES,
Wednesday, 11th December, 1811.

(No. 33.) RESOLVED, That Messrs. Barnett, Dooley, Park, Telfair, Ware, J. Jackson, Elliott and J. A. Cuthbert, be a joint committee, to form a committee on the criminal code; and that they be authorized to have one or more meetings during the recess of the legislature, with power to add to and enlarge the extent of articles embraced by the code now reported, and further to recommend such alterations in that code as they may deem necessary.

Approved, 16th December, 1811.

RESOLUTIONS,

WHICH ORIGINATED IN SENATE IN 1812.

IN SENATE, 6th November, 1812.

In Senate.

RESOLVED, That James Pittman, George Eberhart, Nathan Meroney, George Christian and James Thompson be, and they are hereby appointed commissioners of the Madison county Academy, and that they be, and are hereby authorized, either by themselves or their agent, to purchase at any sales of confiscated property, the amount of one thousand pounds for the use of the academy of said county, as heretofore allowed the several counties in this state, by the seventh section of an act of the General Assembly of this state, passed on the twentieth day of December, seventeen hundred and ninety-two.

Approved, 16th November, 1812.

IN SENATE, 6th November, 1812.

RESOLVED, That the justices of the Inferior Court and justices of the peace of McIntosh county, be authorized to confine in the jail at Darien, in said county, all criminals, until a county jail is erected.

Approved, 16th November, 1812.

IN SENATE, 17th November, 1812.

The committee on the state of the Republic, to whom was referred documents, No. 1. and 2. on the subject of East Florida, beg leave to submit the following memorial as their Report:

To the Congress of the United States.

The legislature of the state of Georgia, having taken into their consideration the relations between the province of East Florida and the state they represent, with every

In Senate. sentiment of deference and respect, submit to the consideration of your honourable body, their memorial and remonstrance.

The numerous and multiplied aggressions by Spain upon the commerce, the rights, and the dignity of the United States, since the ratification of the treaty, concluded between the two governments, on the 20th of October, 1795 ; which wrongs are yet undressed, and her spoliations on our commerce yet unatoned for ; and since the purchase of Louisiana, by the United States, from France, with the same limits and boundaries ceded to France by Spain, that government has uniformly refused, and does now forcibly retain possession of a part of said territory, including the town of Mobile, obviously within the limits of said territory thus purchased, in violation of that good faith which should always subsist between nations not at war with each other ; and that the government of Spain being now in the hands of a regency, not recognized by the United States as legitimate authority ; independently of this, the alliance between Spain and Great Britain, with whom we are now at war, renders it, in the opinion of your memorialists, highly expedient, nay, indispensably necessary, that your honourable body should adopt efficient measures to authorize the President of the United States to take immediate possession of the province of East Florida, as well as that portion of West Florida, purchased from France, but still retained by Spain. The contiguity of the province of East Florida to the state they represent, together with the influence which it has had, and may have upon the Indians within the boundaries of the United States, makes it necessary for the safety and interests of the states generally, and that of their southern frontier in particular, to take measures to occupy immediately the province in question, by the forces of the United States : your memorialists are impelled to this recommendation from a consideration of the following facts :

1st. That the port and island of Amelia, belonging to the province of East Florida, is a rendezvous for smugglers, whose patriotism has long since been prostrated at the shrine of avarice, and who, by ministering to their own rapacity, violate the laws of the Union, and strengthen the enemy, by treasonably affording them aid and comfort, thereby prolonging the war, which the injustice and oppression of Great Britain has compelled the United States to declare against her.

2d. That by suffering the province of East Florida to remain in the possession of Spain during the present contest with Great Britain, with whose government Spain is in intimate alliance, we may reasonably expect reinforcements from the Havannah or elsewhere, of British and Spanish forces ; which, acting in conjunction with their savage allies, already in the province, must inevitably eventuate in the destruction of the frontier inhabitants of this state. Add to this, the difficulty with which we could take pos-

session of the fortress of St. Augustine, (if indeed it be practicable at all,) when in possession of a competent force. In Senate.

3d. That in the event of a strong force, either British or Spanish, occupying East Florida and the island of Cuba at the same time, the whole trade of the western states bordering on the Mississippi, must be totally annihilated; that being the key to the entrance of the Mississippi, and being in possession of the enemy, our vessels would have to sail around the island of Hispaniola, which would expose them to the danger of falling inevitable victims to British cruisers.

Your memorialists would not presume to enter into a further detail of facts, which are so well known to your honourable body, and by whom, they trust, so justly appreciated; believing, as they do, that every friend to the peace and safety of this country will cordially unite in effectuating an object, by which the chances of speedily terminating the war will be so greatly multiplied.

Your memorialists are aware, that the provisions of the constitution of the United States forbid any state from engaging in war, unless actually invaded, or in such imminent danger as will not admit of delay. That this danger exists, and that the persons and property of citizens resident in the south-eastern section of the state they represent, cannot be considered safe, while the war continues with England, and East Florida remains in the possession of Spain, her ally; that the sovereignty of the state has been invaded by the murder of one man, and the wounding another within the limits of the state of Georgia, by the Indians residing in the province of East Florida; and where is the difference in the criminality of the act, (they beg leave to ask,) between the commission of a crime by the subjects of Spain in East Florida, and its commission by a people resident in their province, and whom they supply with arms, ammunition and protection? That this is the fact cannot, will not be denied, when it is recollected, that not only the Indians in the province are provided for and protected, but that a general invitation has issued from the fortress at Augustine to the blacks in the province, to take protection in the fort, and they will be furnished with arms and implements of war necessary for the execution of their nefarious purposes.

Your memorialists would further state, that nothing but that reverential respect which they ever felt, now feel, and will ever feel for the constitution of these states, has thus long prevented them from avenging the manifold injuries they have received, and so long supported from the minions of that corrupt and corrupting province; and should the period ever arrive, (which they pray Heaven to avert,) when the constituted authorities of the United States shall deny them that aid, which the safety, the honour and interest of the southern frontier of the Union, the state they represent, so imperiously

In Senate. require, they will deeply regret the necessity which shall compel them to resort to those means which God and nature has placed within their reach, to demand that justice from their insolent oppressors, which the duty they owe to themselves, their country and posterity, requires at their hands.

Approved, 21st November.

IN SENATE, 18th November, 1812.

(No. 37.) The committee on the state of the Republic, considering the critical situation in which the citizens of the eastern district and other frontier parts of this state are placed during the present hostilities with Great Britain; and also considering the danger with which the said district and other frontier parts of this state is menaced from East Florida, beg leave to report and recommend the following resolutions:

Resolved, That his excellency the Governor be, and he is hereby directed to request of major general Thomas Pinckney, a detachment of the quota of the state, to be stationed on the sea-coast and other frontier parts of this state, as may be best calculated to protect and defend the exposed situation of said state.

Also resolved, That his excellency the Governor be, and he is hereby authorized to furnish the militia of the eastern section, and other frontier parts of this state with arms and ammunition.

Resolved, That his excellency the Governor be directed to urge on major general Thomas Pinckney, the justice and necessity of furnishing a portion of continental troops, together with the requisite arms and ammunition, for the defence of the sea-coast and other frontier parts of this state.

And be it further resolved, That until the foregoing arrangements are carried into effect, that his excellency the Governor be authorized and required to cause one full company of infantry to be stationed in each of the following counties, viz: Chatham, Bryan, Liberty, McIntosh, Glynn and Camden, at such place in each county as shall be determined upon by their respective colonels; and when so called into service, and whilst remaining therein, shall be under the same rules and regulations, and be entitled to the same pay and rations with the militia troops of the United States.

Approved, 27th November.

In Senate.

IN SENATE, 23d November, 1812.

RESOLVED, That his excellency the Governor be, and he is hereby directed to take the necessary steps to bring before the proper authority, Jesse Bryan, to account in what manner he came by the certificates mentioned in his communication. (No. 38.)

Approved, 27th November.

IN SENATE, 26th November, 1812.

The committee on the state of the Republic, having examined the law of Congress, (No. 39.) passed the 5th of March, 1792, also the letter of Henry Knox, secretary to the war department, to the Governor of this state, the deed of cession, and every document accessible to the committee, that could afford them information upon the subject of making effectual provision for the defence of the frontiers of the United States, as it respects the state of Georgia's unsettled claims for military services rendered, so far in particular as regards the claim of Jonas Fauche and a troop of horse under his command, from the twenty-third day of April, one thousand seven hundred and ninety-three, to the thirty-first day of March, one thousand seven hundred and ninety-four inclusive, and others similarly circumstanced, are of opinion, that there is the clearest evidence, that the said claims are just, and that said services ought to be compensated by the general government, and not by the state of Georgia; they therefore recommend the following resolution:

Resolved, That his excellency the Governor of this state, be requested to instruct the senators, and earnestly urge and request them and the representatives from this state in Congress, to urge and prosecute the claims of Jonas Fauche and others, for pay due to them for military services performed for the United States, from the twenty-third of April, one thousand seven hundred and ninety-three, to the thirty-first May, one thousand seven hundred and ninety-four, and the claims of others similarly circumstanced.

Approved, 7th December.

• IN SENATE, 30th November, 1812.

The select committee on the memorial of John McKinnon,

(No. 40.)

REPORT, That they have taken the said memorial into their consideration, and find that the memorialist is entitled to the commissions as set forth in his said memorial, and your committee recommend the following resolution:

In Senate.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby resolved by the authority of the same, That the island known by the name of Carr's Island, situate in the Altamaha river, and county of M^cIntosh, originally granted for two hundred and twenty acres, and part of the confiscated property of Bazil Cowper, returned by major Lachlan M^cIntosh to the commissioners of confiscated estates, be sold forthwith by the sheriff of M^cIntosh county, at the court-house of said county, after thirty days' public notice in one of the gazettes of Savannah; and the sum of one thousand seven hundred and eleven dollars and ten cents be paid out of the proceeds of said sale to John M^cKinnon, one of the commissioners of confiscated estates, in full satisfaction for his claim upon this state, for his commissions on former sales.

*And be it further resolved by the authority aforesaid, That in the event of the said island selling for no more than the amount of the claim of the said John M^cKinnon, together with the twenty per centum due the heirs of major Lachlan M^cIntosh, or for a less sum, that then the said island be bid off for the state; and the commissioners of confiscated property are hereby authorized to make titles to the said John M^cKinnon for the said island, in lieu of, and in full satisfaction for his claim: *Provided*, he the said John M^cKinnon pays, or secures to be paid, to the heirs of major Lachlan M^cIntosh, the twenty per centum on the amount of his claim due them, for the information relative to the said confiscated property.*

Approved, 7th December.

IN SENATE, 18th November, 1812.

(No. 41.) The committee on the state of the Republic, having had under their consideration so much of his excellency the Governor's communication as relates to Indian affairs, Report as follows :

That from the contents of the documents, which they have attentively considered in every point of view, the conduct of his excellency Governor Mitchell has been entirely correct, and in its tendency manifestly beneficial to the community at large. His duties, although arduous, have been discharged with an ability and promptitude entitling him to the full and perfect confidence of your committee. They beg leave further to report the following resolutions :

RESOLVED, That his excellency the Governor be, and he is hereby authorized to call out and station at any place on the frontiers of this state, to be employed in any part of the Indian territories, as occasion may require, or as he may think expedient, any num-

ber of cavalry, to be taken from the volunteer corps in any part of the state, or militia of the line, or volunteers from the militia, not exceeding one-third thereof, as he may think sufficient to chastise the violent aggressions already committed by any Indians on our borders, or which may hereafter be committed by them; the term of service of said troops, and the payment thereof, to be regulated in such manner as is pointed out by the laws of the United States in similar cases; and also that he be authorized to take such measures as he may deem proper and requisite, to open a path or road leading from any part of the said frontiers to Trader's Hill, or any other paths or roads in the Indian territory, which may by him be considered necessary to the prosecution and accomplishment of the objects above expressed.

Resolved, That his excellency the Governor may, and he is hereby empowered, if it should in his opinion become essentially necessary and expedient for the safety of the state, to employ the forces called into service by him, in pursuance of the above resolution, in co-operation with any forces which the general government may hereafter send to East Florida, for the reduction of that province.

Approved, 9th December.

IN SENATE, 30th November, 1812.

The committee on the state of the Republic, to whom was referred the petition of (No. 42.) Reuben S. Saffold, and the counter petition of sundry merchants of the city of Savannah, Report as follows, viz :

WHEREAS, it is expressed by the tenth section of the first article of the constitution of the United States, "that no state shall, without the consent of Congress, lay any duty of tonnage." *And whereas*, the state of Georgia passed a law, dated the twelfth December, one thousand eight hundred and four, authorizing the harbour master and health officer of the ports of Savannah and St. Mary's to receive, from all foreign vessels, four cents per ton, and from all American vessels, two cents per ton, which shall arrive at said ports.

And whereas, the law of Congress sanctioning the law of Georgia, expired in March one thousand eight hundred and twelve, in consequence of which the harbour master and health officer aforesaid have not received their respective fees, notwithstanding they have faithfully discharged the duties of their several appointments.

In Senate.

Therefore, *Resolved*, That the senators and representatives from this state, in the Congress of the United States, be required to use their best endeavours to obtain the consent of Congress to an act of the state of Georgia, passed the twelfth day of December, one thousand eight hundred and four, for the term of one year from the first day of December, one thousand eight hundred and thirteen, so far as to authorize the harbour master and health officer of the ports of Savannah and St. Mary's to collect a duty on the tonnage of all foreign vessels, four cents per ton, and on all American vessels, two cents per ton, in full of all fees, dues or demands whatsoever, for the service of them the said harbour master and health officer respectively.

Approved, 9th December.

IN SENATE, 30th November, 1812.

(No. 43.) WHEREAS, by the first section of the act incorporating the Planters' Bank of the state of Georgia, passed the 3d December, 1811, one thousand shares, of one hundred dollars each, is reserved until the first day of January, one thousand eight hundred and thirteen, on the original terms; then or at any prior time to be taken by the state, according to the pleasure of the legislature :

Resolved therefore, That his excellency the Governor be, and he is hereby authorized and required to cause the said one thousand shares to be subscribed for, within the time limited for the state of Georgia.

And be it further resolved, That an appropriation be made in the appropriation act to be passed this session, for one hundred thousand dollars, for the purpose aforesaid, to be by him applied in said subscription, according to the constitution and bye-laws of said bank ; and that the Governor be, and he is hereby authorized to raise the whole, or any part of the amount necessary to be immediately paid to the bank upon said subscription, by discount with the said bank on the Bank of Augusta.

Approved, 9th December.

IN SENATE, 30th November, 1812.

(No. 44.) RESOLVED, That the commissioners of the town of Milledgeville be authorized and required to measure and lay off five acres of land of the town common, on the north side of Rocky creek, below where the road crosses the said creek, near Joseph B. Jones's, and lease the same to George Micklejohn, for the term of twenty years, for the purpose of erecting a tan-yard thereon.

And be it further resolved, That the said George Micklejohn be, and he is hereby authorized to convey water to the said tan-yard, from a spring known by the name of Lower Commissioners Spring; *Provided*, he does not obstruct any public road. In Senate.

Approved, 9th December.

IN SENATE, 8th December, 1812.

WHEREAS, by an act for laying out and defining the boundary of Emanuel county, (No. 45.) the present site of the public buildings of the county of Montgomery is within the lines of the said county of Emanuel; *And whereas*, no provision is made in said act relative to public officers; for remedy whereof,

Resolved, That Benjamin C. Cray, Thomas Moore, John H. Bryant, Robert Flournoy and Moses Daniel be, and they are hereby appointed justices of the Inferior Court of the county of Montgomery.

Also resolved, That the aforesaid justices of the Inferior Court aforesaid be, and they are hereby appointed commissioners to fix on the site of the public buildings for the said county of Montgomery, and all elections and Superior and Inferior Courts shall be held at the house of James Alston, until such public buildings may be erected.

Approved, 10th December.

IN SENATE, 6th December, 1812.

Resolved by the Senate and House of Representatives, That the commissioners of the town of Milledgeville are hereby authorized and required to measure and lay off two acres of land on the south side of Fishing creek, adjoining a fraction belonging to George Micklejohn, to Willoughby Jordan, for the term of ten years, for the purpose of erecting a tan-yard thereon, the said two acres of land being on the town common. (No. 46.)

Approved, 10th December.

IN SENATE, 27th November, 1812.

Resolved by the Senate and House of Representatives, in General Assembly met, That the Governor be directed to apply to the President of the United States, requesting a road may be opened from Tugalo in this state, through the land of the upper Che- (No. 47.)

In Senate. rokees, by Cowee Equanuttee and Tullussee, intersecting the road leading from Tellico to Marysville; or from Tugalo by the most direct and convenient route to the settlements in East Tennessee.

Approved, 10th December.

IN SENATE, 5th December, 1812.

- (No. 48.) WHEREAS, there are a number of persons residing within the limits of this state, whose names appear on the list of banishment and acts of confiscation, and have not made application to the government of this state, praying a restoration of citizenship; *And whereas*, it may appear that more or less of those persons aforesaid now have, or hereafter may have, appointments in this state in a civil or military line, which appointments are contrary to law, and the interest, wish and spirit of this government: for remedy whereof,

Be it resolved by the Senate and House of Representatives, That his excellency the Governor is hereby authorized and requested to have the names of all those persons which appear in the act aforesaid, published in two or more of the public gazettes of this state, who have not heretofore been restored to citizenship.

Approved, 10th December.

IN SENATE, ———, 1812.

- (No. 49.) The committee on the state of the Republic, to whom was referred the letter of Colonel Newnan, containing an account of the expedition lately conducted by him against the Seminole Indians in East Florida, beg leave to Report: That the subject presented in this interesting document, considered in relation to the brave and patriotic persons to which it alludes, and their still more brave and devoted services to their country, eminently challenges a frank expression of our acknowledgments, and directs a feeling appeal to our gratitude. Unaccustomed to war, and the various consequences which mark its progress, an eventful experiment was involved in the call of the nation, upon the untrained valour of a peaceful people; and but for the native principles of bravery, combined with an ardent love of country, derived from ancestors constitutionally free from fear, which warm the bosoms of our youthful warriors, we might be left in fearful and dubious suspense as to the issue of this new and untried contest. In the state of reluctant hostilities to which this nation has been justly provoked; by the vicious passions of an unprincipled government, we have witnessed the ready appearance of generous and disinterested volunteers, anxious to breast the first rude approach of an odious

and deprecated struggle. Prompted by a glowing affection for their country, and influenced by the opening prospect of fame, they tendered their willing services to protect the perilous situation of our most exposed fellow citizens; and the contemplation of these services, from their commencement to their splendid termination, awakens emotions which cannot be repressed within the dull limits of cold detail.

In Senate.

At an unfriendly season, uninured to its sultry influence, and upon the first alarm of danger, did this little soldierly band assemble in prompt and eager haste to meet the threatening exigency: their comfortable homes were cheerfully forsaken; they pressed from the fond and affectionate embrace of friends and relatives; they encountered without a murmur the multiplied fatigues of tiresome marches; through dreary forests and scorching sands, they perseveringly buffeted the rain and wind of a fickle climate; disease, with more than common wantonness, rioted upon their vigorous health; far from parental or friendly care, and amidst every privation and distress, did they support with manly fortitude their trying vicissitude of condition. Such instances of youthful patriotism have occurred but seldom in any age of our country, and are rare indeed upon the page of history. The annals of martial deeds may be safely dared to display a scene of courage and of suffering equal to that, which a part of this intrepid corps bravely and inflexibly sustained: they were advanced, with skill and cool deliberation, against a superior enemy, and after the most signal proofs of steady firmness and patient resolution, their heroic exertions were crowned with repeated and honourable victory. Their's was no trivial enterprise, although engaged against an enemy whose horrid warfare dismays the common mind, and tests the coward heart; although in the bosom of a wild and savage country, surrounded by prowling and butchering barbarians, worn down by long and laborious marches, exhausted by impetuous but successful battle, assailed by vigorous famine, haunted by a lurking deadly foe by day, and from the groans of sick and wounded deprived of rest by night; yet for seven days, through every pressing danger, did they brave these dire distresses, and maintain the boasted character of the veteran soldier. It is to services like these, a grateful country will readily pay the just tribute of respect and applause, and to the disconsolate families of those who have fallen early martyrs in so glorious a cause, will cheerfully administer that support of which they have been deprived.

Therefore, *Resolved*, That the volunteers who so promptly assembled and marched from different quarters of the state, at the call of the commander in chief, then acting as commissioner in the service of the United States, to defend the south-eastern extremity of our frontiers, and who were always in such willing readiness to engage in any expedition which he might direct, have acted with patriotism and courage, well meriting the thanks of this legislature.

In Senate.

Resolved, That those volunteers who have lately been engaged in an expedition against the hostile Indians in East Florida, have evinced acts of intrepidity and a love of country loudly claiming the hearty applause and entire approbation of the General Assembly.

Resolved, That his excellency the Governor be authorized to draw on the treasury for any money not otherwise appropriated, to the amount of one year's pay, at five dollars per month, in favour of the families, if any they had, of those persons who fell in the engagement with the Seminole Indians, in a late expedition conducted by the adjutant general of this state.

Approved, 10th December.

IN SENATE, 25th November, 1812.

- (No. 50.) *RESOLVED*, That it shall be the duty of the justices of the Inferior Courts of the counties of Laurens and Pulaski, to pay over to John Thomas a reasonable compensation for his services for surveying and laying out the county of Pulaski, and running a dividing line between the aforesaid counties of Laurens and Pulaski, on the said John Thomas exhibiting his account to the said justices of the Inferior Courts of the counties aforesaid; who, on examining the same, it shall be the duty of the justices aforesaid, for their respective counties, to pay the aforesaid John Thomas his demand, equally between them, and in conformity to an act, passed the thirteenth day of December, one thousand eight hundred and nine.

Approved, 7th December.

IN SENATE, 26th November, 1812.

- (No. 51.) *RESOLVED*, That David Blackshear and Noah Stringer, esquires, be, and they are hereby appointed commissioners for the county of Laurens, in the room of Benjamin Adams and Jethro B. Spivey, resigned; and be it further resolved, that Amos Love and Neal Munroe, esquires, are appointed commissioners for the said county of Laurens.

Approved, 7th December.

IN SENATE, 26th November, 1812.

- (No. 52.) *RESOLVED*, That the commissioners of the town of Milledgeville do lease to Jane Rucker, five acres of land out of the town common adjoining the lease she already is in possession of, for the term of nine years.

Approved, 7th December.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1812.

IN THE HOUSE OF REPRESENTATIVES,
Wednesday, 18th November, 1812.*To the Senators and Representatives of the state of Georgia, in the Congress of the
United States.*In the House
of Represen-
tatives.

GENTLEMEN,

The General Assembly of the state of Georgia beg leave through you, gentlemen, to remonstrate against the trade now carried on with Spain and Portugal, under the sanction and authority of law, and for these obvious reasons; that Spain and Portugal are allies of Great Britain, occupied by her troops, and as much dependent upon the power and influence of Great Britain, as if they were component sections of her empire, or colonies thereof. In feeding, therefore, the armies of England in Spain and in Portugal, or any other pretended neutral power in alliance with, or dependent upon the energies of Great Britain, is indirectly supporting that government, or supplying it with the means (not otherwise to be obtained) of protracting the just and necessary war in which our Republic is now engaged, to an indefinite extent, and at the same time, exhibiting to the world the curious spectacle of one belligerent generously aiding the efforts of the opposing belligerent: the trade to these allies of Great Britain, is not, and cannot be countenanced or tolerated by that portion, and it may be added, that overwhelming majority of the citizens of these United States, who have supported, and will continue to support our national government, in this second contest with the haughty and oppressive monarchy of England.

(No. 53.)

The people of this state are known to be zealously devoted to the republican institutions of their country, as well as to their present rulers and administration, and are prepared at all hazards to sacrifice their lives and their fortunes in the present contest with the enemy. But the legislature of Georgia would again beg leave to ask, through you, gentlemen, of what avail those efforts will be, if opposed by avaricious speculators supplying the starving armies of England in the Spanish Peninsula? Would not the British government sacrifice, readily sacrifice her possessions on this continent, if permitted

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tatives.

to maintain its ground in Spain and Portugal, through the facilities of a commercial intercourse between those countries and United America?

The General Assembly of Georgia can neither comprehend, nor accede to the policy which suffers that intercourse. In its effects, it operates exclusively to the ruin of the interior agriculturalists, and of all the patriotic farmers and planters of the United States who will not, or are not disposed to consent to the exportation of rice; flour, grain or other bread stuffs and provisions to the said countries occupied by British armies, and can only be promotive of the views and interests of a class of speculators with whom all forms of government are the same, and who are ever ready to erect their fortunes upon the ruins of justice and the nation; with these statements before you, gentlemen, emanating from this source, you are hereby requested, for and in behalf of the state of Georgia, to remonstrate against any measure which has, or may be taken, to legalize the intercourse referred to; and also to use your best exertions to inhibit it by an act of Congress of the United States.

Approved, 24th November.

IN THE HOUSE OF REPRESENTATIVES,
Thursday, 12th November, 1812.

(No. 54.) The joint committee appointed to contract for the printing of the laws, journals and concurred resolutions of the present session of the legislature, having received proposals for printing the same, to wit: from John E. Kean, and from Messrs. S. & F. Grantland, and having duly considered the said proposals, are of opinion that the terms upon which said S. & F. Grantland offer to perform the same, are the most advantageous to the state; they offering to print the laws and resolutions at two and one-third cents per sheet, and the journals at two and three-fourth cents per sheet.

Mr. J. E. Kean proposing to print the same, the first at two and three-fourth cents per sheet, and the latter at three and one-fourth cents per sheet, on nearly the same specimen of type and paper. The committee do therefore recommend the following resolution:

Resolved, That Messrs. Seaton and Fleming Grantland have the printing of the laws, journals and concurred resolutions of the present session of the legislature.

Approved, 1st December.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, 11th November, 1812.

In the House
of Represent-
atives.

WHEREAS, by an act passed the 12th day of December, 1809, entitled An act to compile and arrange the laws and resolutions of this state, passed since the political year 1800, a compilation of the laws and resolutions, in pursuance of said act, was delivered to his excellency the Governor, on the 3d day of January, one thousand eight hundred and eleven, and by him approved on the 25th February, in the same year: *And whereas*, by a contract entered into between his excellency the Governor, and Adams and Duyckinck, printers, of Augusta, the said compilation was to have been printed and delivered at the executive department, on or before the first day of March, one thousand eight hundred and twelve, which time was extended, by the last legislature, to the first of June in the same year; and the said Adams and Duyckinck failing to comply with their said contract;

Resolved, That his excellency the Governor be requested, and he is hereby authorized, to put in suit the bond of the said Adams and Duyckinck, unless they shall print and deliver the said compilation at the executive department, on or before the first day of March next, to be distributed with the laws and journals of this present legislature.

Approved, 1st December.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, 21st November, 1812.

RESOLVED, That if any of the electors chosen by this General Assembly, to vote for President and Vice-President of the United States, shall fail to attend in the town of Milledgeville by the hour of twelve o'clock in the day of the first Wednesday of December next, then the appointment of such elector or electors, so failing to attend, shall be considered as vacated, and the General Assembly will forthwith proceed to fill such vacancies.

Approved, 2d December.

IN THE HOUSE OF REPRESENTATIVES,

Monday, 30th November, 1812.

The committee on finance, to whom was referred so much of his excellency's communication as relates to the Planters' Bank of the State of Georgia, beg leave to Report, That they have had the same under their consideration, and are of opinion, that it will

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tatives.

be conducive to the interest of this state to subscribe for the number of shares reserved in said bank; therefore recommend the following resolution:

Resolved, That his excellency the Governor be, and he is hereby authorized to subscribe, for and in the name of the state of Georgia, for the whole number of shares reserved for said state, in the Planters' Bank of the state of Georgia.

Approved, 5th December.

IN THE HOUSE OF REPRESENTATIVES,

Monday, 30th November, 1812.

- (No. 58.) The committee on finance beg leave to make a further Report, That they have had his excellency the Governor's communication, relative to sundry audited certificates presented by Jesse Bryan for renewal, and which certificates appear to be forged, recommend the following resolution:

Resolved, That his excellency the Governor be requested to detain in the executive office the said forged certificates, to be used by him as evidence, in case it should be thought proper to institute a prosecution against the said Bryan, or any other person.

On that part of the Governor's communication which relates to the penitentiary, they have taken the same under consideration, and, notwithstanding the many necessary expenditures incumbent on the state, they are of opinion that the work has progressed, to a degree that would not justify a suspension of the progress of the same; they therefore recommend the following resolution:

Resolved, That the further sum of five thousand dollars be appropriated and applied, under the direction of the Governor and commissioners of the penitentiary, toward the rearing of the said building.

Approved, 5th December.

IN THE HOUSE OF REPRESENTATIVES,

Monday, 30th November, 1812.

- (No. 59.) The committee on finance, to whom was referred document No. 7. relative to Andrew Ellicott, esquire's account for ascertaining the 35th degree of north latitude, Report, That they have examined said document, and have collected every information in regard to it; that Andrew Ellicott, esquire, has received full and ample compensation for his

services in ascertaining the said 35th degree of north latitude; but from the long and arduous labours of James Rousseau and William Mitchell, two persons who attended Mr. Ellicott, and performed a great part of the most arduous labours incident to that service, have not received any compensation for their services; we therefore recommend the following resolution:

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tatives.

Resolved, That the sum of fifty-four dollars be paid to James Rousseau, and the sum of one hundred and ninety-four dollars be paid to William Mitchell, in full, for their services in attending on and assisting Mr. Ellicott, in ascertaining the 35th degree of north latitude, and that the same be inserted in the appropriation law of this year.

Approved, 5th December.

IN THE HOUSE OF REPRESENTATIVES,

Monday, 30th November, 1812.

The committee on finance beg leave to Report, on the communication of his excellency the Governor, relative to the Yazoo deposit: (No. 60.)

That they have taken the same into consideration, and find, upon due inquiry and investigation, that there is in the treasury of this state the sum of 184,716 dollars 47½ cents, the balance of 500,000 dollars, the sum originally deposited by the Yazoo speculators, for the purchase of the western territory of this state, ceded to the United States, as expressed in said communication. This diminution of the original deposit has been too clearly and satisfactorily accounted for and explained in the communication of his excellency, to require any elucidation from your committee. It only remains for them to ascertain whether it is in the power of the General Assembly to make any application of the stock purchased by General Mathews, then governor of this state.

The sum invested in the purchase of this stock amounted to 49,445 dollars 50 cents, and was taken from the Yazoo deposit, and considered as a representative of the money with which it had been bought. The purchase was made in the name of the state, and is therefore at the disposal of the state, if she thought proper to exercise control over it. But as a representative of so much of the original deposit, it partakes of its character, and must be identified with it. The constitutional principle, however, which inhibits the application or appropriation of the Yazoo deposit, as a part of the funds of this state, cannot interfere with the application of the interest which hath accrued upon the said stock, the whole of which, or nearly the whole, as his excellency has represented, is still due. If there is any difference between the sum directed to be invested in the purchase of six per cent. stock, and that really so invested, which would now

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of Represen-
tatives.

produce the diminution of capital, it has arisen, as your committee presume, from the expenses and commissions incidental to said investment. Be this, however, as it may, the proprietors of the Yazoo deposit can have no possible claim upon the interest of this stock, and for this obvious and cogent reason, because, neither constitutionally or legally can they demand more than the amount they have deposited. Your committee are therefore of the opinion, that the said interest may be considered as a part of the funds of this state. Your committee recommend, that the amount of stock be drawn in money from the treasury of the United States, and deposited as a part of the balance of said Yazoo fund.

Your committee are also of the opinion, that the bills of the late Bank of the United States, and all other bills composing a part of the balance of the Yazoo deposit, be converted into gold and silver. Your committee, therefore, beg leave to report the following resolution :

Resolved; That his excellency the Governor be, and he is hereby authorized to convert into money the United States' stock, which was purchased in the name of the state of Georgia; as also, the bills of the United States Bank, as well as bills of any other bank, now among the Yazoo deposit.

And be it further resolved, That his excellency the Governor be, and he is hereby authorized and directed to apply for, receive, and deposit in the treasury, the amount of interest which hath accrued upon the purchase in the name of this state, of forty-nine thousand four hundred and forty-five dollars and fifty cents, six per cent. stock of the United States.

Approved, 5th December.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 4th December, 1812.

The joint committee on finance beg leave further to report, on the account of the state commissioners of Milledgeville, the following resolution :

No. 61.) *Resolved*, That the sum of seventy-five dollars be appropriated to the state commissioners of the town of Milledgeville, in full for services rendered by them, since the 20th day of November, one thousand eight hundred and eleven, to the first day of December, one thousand eight hundred and twelve.

Approved, 8th December.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, 2d December, 1812.

In the House
of Represent-
atives.

RESOLVED, That his excellency the Governor be requested, and he is hereby authorized (No. 62.)
to direct the solicitor general of the eastern district to investigate the claim of the
state to certain confiscated lands, purchased in the month of November, eighteen hun-
dred and ten, by the counties of Elbert, Jackson, Clark, Morgan, Putnam, Wilkinson,
Laurens, Montgomery, Bulloch, Randolph, Tatnall and Scriven; Wilkinson and Tatnall
having, by their commissioners, withdrawn their interest in said purchase, and to eject
any person or persons residing thereon, and report to his excellency the Governor, his
actings and doings therein.

Approved, 8th December.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, 2d December, 1812.

The joint committee on the state of the Republic, to whom was referred the petition (No. 63.)
of John M^cQueen, esquire, Report :

WHEREAS, the late Basil Cowper, deceased, was named and included in the act of
confiscation of this state, passed the first of March, 1778, and had a very large real
estate confiscated and sold for the benefit of the state; *And whereas*, there is, or may be,
part of that estate yet remaining unsold, or otherwise undisposed of by the state, for
which a petition hath been presented by John M^cQueen, for the widow and children of
said Basil Cowper, to have the remnant of his said property restored :

Be it therefore resolved, That all the lands of Basil Cowper, deceased, heretofore con-
fiscated to the use of the state, and yet remaining unsold, or otherwise disposed of by
the state, except Carr's island in the Altamaha river, about to be disposed of by the
state, be, and the same is hereby vested in John M^cQueen, of the county of Chatham,
and his heirs and assigns, for ever, to and for the use and in trust for the heirs of the
said Basil Cowper, deceased, share and share alike.

Be it further resolved, That all the right, title, interest and claim of this state to the
unsold and undisposed lands of Basil Cowper, a person named in the bill of confiscation,
passed on the day and year aforesaid, be, and the same is hereby relinquished on the
part of said state, and fully and completely vested in, and transferred to John M^cQueen,
of the county of Chatham, his heirs and assigns, for ever, in trust, for the purpose above
mentioned; *Provided*, that the said John M^cQueen shall pay all per cent. and expenses

In the House
of Represen-
tatives.

which may have accrued or arisen by reason of any information which may have heretofore been given to the commissioners of confiscated property, to be sold in terms of the several laws regulating the sale of confiscated property.

Approved, 8th December.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, 10th December, 1812.

(No. 64.) *Resolved by the Senate and House of Representatives*, That his excellency the Governor be, and he is hereby requested to cause the public arms now deposited in the arsenal at Louisville, to be removed to Milledgeville.

Approved, 10th December.

IN THE HOUSE OF REPRESENTATIVES,

Monday, 7th December, 1812.

(No. 65.) *RESOLVED*, That his excellency the Governor be, and he is hereby authorized and required, if he shall deem it necessary, to employ some attorney to assist the solicitor general of the Ocmulgee district, in the case of the State *vs.* Scott and Thomas, for the overplus paid them for building the state-house.

Approved, 10th December.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 4th December, 1812.

(No. 66.) The joint committee on finance, to whom was referred the Governor's communication relative to the compensation of the brigade inspector of cavalry, beg leave to report the following resolution, to wit:

Resolved, That the brigade inspector of cavalry be allowed the sum of one hundred and fifty dollars, in full compensation for past services heretofore rendered, and that in future he shall be allowed the sum of three dollars per day while in the service of this state; *Provided nevertheless*, that he shall not be allowed to receive pay for more than eighty days in each year, which service shall be certified by the brigadier general of cavalry.

Approved, 10th December.

IN THE HOUSE OF REPRESENTATIVES,

Monday, 7th December, 1812.

In the House
of Represent-
atives.

RESOLVED, That it is the opinion of this legislature, that the members of the next legislature respectively, ought to appear in a full suit of homespun, of the manufacture of this state. (No. 67.)

Approved, 10th December.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 4th December, 1812.

WHEREAS, by the law passed the last session of the legislature, John Proctor, Robert Barnett, John Speight, John Ball and Daniel Hicks were appointed commissioners, vesting them with the power of laying out and selling certain town lots, for the special purpose of erecting the public buildings in the county of Wilkinson: (No. 68.)

Therefore be it resolved, That William Wicker, William Lord, John Smith and Charles Culpepper be, and they are hereby appointed, in addition to those already appointed, as commissioners aforesaid; and they are hereby vested with the same powers which the commissioners are invested with by an act, entitled An act to make permanent the site of the public buildings in the county of Wilkinson.

Approved, 10th December.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 4th December, 1812.

The committee on finance, to whom was referred the report of the state commissioners of the town of Milledgeville, Report, that they have taken the same under consideration, and beg leave to submit the following resolution: (No. 69.)

Resolved, That the state commissioners of the town of Milledgeville be, and they are hereby required to deliver to the treasurer of this state, all notes and bonds taken by them for leases or rents of the town commons, which now remain in their hands, together with all sums of money collected by them for rent, which has accrued to the state under and by virtue of the aforesaid leases; that his excellency the governor be required to secure the collection and payment of all sums of money due for rent or leases as aforesaid, that the same may be deposited, when collected, in the treasury office of this state, and become a part of the funds thereof.

Approved, 10th December.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, 9th December, 1812.

(No. 70.) WHEREAS, there are now in the treasury office, as appears by the treasurer's abstract submitted to this legislature, a number of the evidences of the debts due by this state, which have been presented at the treasury and paid off, to wit: Governor's, President's and Speaker's warrants, paper medium, state troop bounty warrants, audited certificates and funded certificates; *And whereas*, the aforesaid papers are of no use to the state, but an incumbrance to the treasury department:

Resolved, That the treasurer do cause three fair and accurate lists of said papers to be made out; one to be deposited in the executive, one in the comptroller general's, and one in the treasury offices; and so soon as the said lists shall be completed, that his excellency the Governor, with the comptroller general and treasurer, shall, after carefully examining the same with the aforementioned papers, cause said papers to be burnt, and that his excellency the Governor cause the expense of making out the aforesaid lists to be paid for out of the contingent fund.

Approved, 10th December.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1813.

IN THE HOUSE OF REPRESENTATIVES,

November 5th, 1813.

RESOLVED, That his excellency the Governor be requested to lay before this house, information of the proceedings that have been had on the bond of Adams and Duyckinck, who contracted to print the laws and resolutions of this state, since the political year eighteen hundred, in pursuance of a resolution of this house at the last session. In the House of Representatives.
(No. 71.)

Approved, 13th November.

IN THE HOUSE OF REPRESENTATIVES,

November 6th, 1813.

RESOLVED, That his excellency the Governor be, and he is hereby authorized and required to have the constitution of the state of Georgia, with the several amendments thereunto, printed and annexed to the laws that may be passed at the present session. (No. 72.)

Approved, 13th November.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 3d December, 1813.

The committee on finance, to whom was referred the comptroller general's report relative to the digest of taxable property and tax collectors in default, (No. 73.)

REPORT, That they have had the same under consideration, and are of opinion, that the law passed at the last session of the legislature, so far as respects the receivers of returns of taxable property (if continued,) will remedy, as far as possible, the evil com-

In the House
of Represen-
tatives.

plained of; your committee therefore beg leave to recommend the following resolution :

Resolved, That it is the opinion of this legislature, that the justices of the Inferior Courts for the several counties within this state, to whom is confided the most important part of revenue, ought in future to be cautious in the taking of bonds of the several tax collectors within this state, that good and sufficient security be given, whereby the state shall not sustain loss; and your committee beg leave further to recommend the following resolution :

Resolved, That his excellency the Governor be, and he is hereby requested, without delay, to put in suit all the bonds in his department against all defaulting receivers of returns and their securities, who have failed in forwarding the digest to the comptroller's office; and the treasurer is hereby directed to issue executions against tax collectors and their securities, who now may be in default, and who may hereafter be in default of their taxes when they become due, and to direct each solicitor general to move for a rule against the late sheriffs of this state who have collected monies of collectors, and withhold the same from the treasury office of this state.

Approved, 6th December.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 3d December, 1813.

(No. 74.) The committee on finance, to whom was referred the petition of Frederick S. Fell, praying compensation for printing sundry documents for the foreclosure of mortgages on certain property in the county of Wayne, for the benefit of this state,

REPORT, That they have taken the same under consideration, and are of opinion, that the petitioner is justly entitled to the amount stated in his account; therefore beg leave to recommend the following resolution :

Resolved, That his excellency the Governor be requested to pay to Frederick S. Fell, two hundred and twenty-six dollars and sixty-six cents out of the contingent fund, in full compensation for printing and publishing twenty-four rules nisi for the foreclosure of mortgages in the county of Wayne, for the benefit of the state; and also pay to Messrs. Grantlands and other printers, the several sums due them for similar services, upon their producing satisfactory vouchers to his excellency the Governor.

Approved, 6th December.

IN THE HOUSE OF REPRESENTATIVES,
Tuesday, 23d November, 1813.

In the House
of Represen-
tatives.

RESOLVED, That the present commissioners of the Jackson county Academy, or any three of them be, and they are hereby authorized and empowered to call on all or any of the former commissioners of said academy, or any one or more of them, who may have, or may be supposed to have any of the funds, monies or credits of said academy, or the joint academies of Jackson and Clark counties, in their hands for settlement; and on failure to settle and pay over any money which by them appears to be due said institution, to institute, in the name of said board of commissioners, a suit or suits for, and recover in their corporate capacity, any sum or sums of money as may be due by said former commissioners, in any court of law or equity in this state having competent jurisdiction thereof. (No. 75.)

Approved, 30th November.

IN THE HOUSE OF REPRESENTATIVES,
Wednesday, 17th November, 1813.

WHEREAS, the lives and the property of the citizens of the southern and western (No. 76.) frontier of this state are imminently exposed, and their condition peculiarly calamitous from their local situation, and the hazards and privations they have to encounter in consequence of being exposed to the inroads of a savage and inveterate foe; that our eastern frontier is also exposed to the predatory incursions of a foe of equal malignance, and more refined barbarity;

Therefore be it resolved, as the sense of this legislature, that it would be inequitable and imprudent to coerce into public service, any of the citizens inhabiting the frontier military districts of this state; and that his excellency the Governor be authorized and requested to issue an order dispensing with the services in the field from their own frontier districts, the citizens aforesaid, during the continuance of the present alarm, except in cases of actual invasion, or where a voluntary tender of services may be made.

Approved, 20th November.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, 23d November, 1813.

- (No. 77.) **RESOLVED**, That the attorney general and the solicitors general for the eastern and western districts, be required to report to the Governor a statement of the situation of suits commenced, and judgments obtained, in their several districts, on the bonds given for the purchase of reverted confiscated property, and also of the situation of the mortgages given to secure the payment of said bonds, and that his excellency the Governor do cause such statements to be laid before the legislature, at the next annual session, and that he do also cause the above mentioned officers to be notified of the requisitions of this resolution.

Approved, 2d December.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, 18th November, 1813.

- (No. 78.) The committee on finance, to whom was referred the treasurer's abstract, have examined so much of said abstract as relates to the bounty warrants, issued in the names of Jere and Jeremiah Russel, together with the subject matter of John Ragan's bond, and beg leave to Report, that they have had the same under consideration, and are of opinion that the certificates or bounty warrants were correctly issued; therefore recommend the following resolution:

Resolved, That the said bounty warrants, together with the certificate of James Meriwether, comptroller general, and the bond of John Ragan, be filed in the treasurer's office.

Approved, 30th November.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, 24th November, 1813.

- (No. 79.) The committee appointed to inquire into the facts relative to a violation of the non-importation or non-intercourse laws of the United States, and a fraud practised on the revenue of the said United States by Archibald M. Devereux, and other persons, and the conduct of the honourable William Stevens, judge of the District Court of the Georgia district, and Abraham Bessent, collector of the port of St. Mary's, being implicated by the documents submitted to your committee, they deem it a duty they owe to the good people of the state of Georgia, as well as from a sacred regard to individual character, to recommend the following resolution:

Resolved, That the documents upon this subject be transmitted by his excellency the Governor, to the representatives of this state in the Congress of the United States, that a full and fair investigation of the conduct of the persons implicated may be had before the proper tribunal.

Approved, 6th December.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 12th November, 1813.

The committee on the state of the Republic, to whom was referred so much of the Governor's communication as relates to the defence of the sea-coast, beg leave to (No. 80.)

REPORT, That they have had under consideration that important subject, and whilst it appears to them that additional protection is necessary to that exposed section of the country, they are happy to add, that they conceive there are ample means at the disposal of this legislature to afford protection to that portion of the good people of this state who have been thus exposed to the incursions of the enemy.

They therefore recommend, that seven hundred stand of arms, which they are informed by the communication of the late Governor are at Point Petre, and were intended to have been distributed in the different counties bordering on the sea-board, be immediately distributed in the brigade commanded by brigadier general John Floyd, and be at the disposal of the respective colonels in that brigade, in the following manner, that is to say: Col. Scott's regiment, two hundred; to Col. Johnson's regiment, one hundred and fifty; to Col. Harden's regiment, one hundred and fifty; and to Col. Pray's regiment, also, two hundred; and that his excellency the Governor be requested to furnish, in addition, five hundred stand of arms, if in his power so to do, to be distributed among the different regiments aforesaid, in equal proportions; and also, that his excellency be requested to furnish for the use of said brigade, sixteen hundred pounds of powder, and six thousand four hundred pounds of lead, ball or buck shot, to be deposited in equal portions at the town of Jefferson in Camden county, and the city of Savannah, and subject to the distribution and disbursement of the colonels of the respective regiments in equal proportions, whose duty it shall be to guard against all improper wastes or abuse of said munitions of war, and shall stand bound at all times to return said munitions of war (which may not be expended) when required so to do by the proper authority.

Your committee further recommend, that his excellency the Governor be authorized and required to order two full companies of the militia to repair without delay to the

In the House
of Represen-
tatives.

sea-board, one of which to be stationed in the following counties, viz : Bryan, Liberty, and McIntosh, the other to be stationed in the counties of Glynn and Camden, at such place or places in each county as shall be determined upon by the lieutenant colonels commanding within the aforesaid counties, which companies shall remain in service for six months, subject to be relieved at the discretion of his excellency the Governor, after they shall have served the term of two months : and if, after the expiration of six months, the situation of that part of the country should still, in the opinion of the executive, require the like protection, his excellency is authorized and required to order two other companies to supply the places of those whose term of service will have then expired, to be continued in service for the like term of six months, subject to be relieved at the discretion of his excellency the Governor, after they shall have served the term of two months. And we further recommend, that his excellency the Governor be requested to make application to the general government, and request that provision be made for support of the militia employed in the service contemplated by this resolution ; and that, in the mean time, his excellency be required to take the necessary steps for supplying them.

Approved, 20th November.

IN THE HOUSE OF REPRESENTATIVES,
Wednesday, 2d December, 1813.

(No. 81.) WHEREAS, a resolution which lately passed both branches of this legislature, and assented to by the Governor, authorizes an expedition against the hostile Indians, under the command of lieutenant colonel David Adams, and therein limits the time to be employed on said expedition to thirty days :

And whereas, It is extremely probable that the time specified in the aforesaid resolution may be insufficient for the performance of any service to the country, and the object of said resolution be defeated : for remedy whereof,

Resolved, That his excellency the Governor be, and he is hereby authorized to extend the time for the performance of the aforesaid expedition, so far as in his opinion may be necessary to answer its object ; *Provided*, that he shall not exceed the space of sixty days ; *And provided*, the corps shall agree to the extension of their time of service.

Approved, 6th December.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, 27th November, 1813.

In the House
of Represen-
tatives.

RESOLVED, That his excellency the Governor be, and he is hereby requested to cause (No. 82.)
the commissioners of the Penitentiary to make a report with respect thereto ; particu-
larly as regards the monies received and expended by them, the state of forwardness of
the building, and the condition of the materials purchased for its erection.

Approved, 2d December.

RESOLUTIONS,**WHICH ORIGINATED IN SENATE IN 1813.**

IN SENATE, 2d November, 1813.

In Senate.

(No. 83.)

RESOLVED, That in the opinion of this legislature, the services of the adjutant general of this state are necessarily required with the troops from this state, which are now in the service of the United States, during their expedition against the hostile Indians.

Resolved also, That the adjutant general be, and he is hereby authorized to appoint an assistant to do the duties of his office in the state during his absence from the state; *Provided*, the adjutant general shall pay the said assistant for his services out of his salary already provided for him by law.

And resolved also, That his excellency the Governor be, and he is hereby requested, to direct the adjutant general to repair without delay to the army now under the command of brigadier general John Floyd.

Approved, 6th November.

IN SENATE, November 9th, 1813.

(No. 84.)

WHEREAS, the murders that have been committed in Morgan county have instructed us in the species of warfare that the Indians intend against us, namely, a predatory war upon our frontier throughout its whole extent, to meet which effectually, while our troops are carrying on offensive operations in the heart of the Indian tribes, it will be necessary to establish a line of posts on the frontier, or in advance, as the executive may think expedient to order.

Be it therefore resolved, That his excellency the Governor cause to be built block-houses, united by stockading, at such points on the frontier of this state, or in advance, as he may deem advisable for the security and protection of the frontier inhabitants, and that he cause to be stationed at each fort or garrison, such number of militia as he may, from time to time, deem necessary, and that he be requested to apply to the govern-

ment of the United States for subsistence for the men called out under his authority, In Senate.
and in the mean time, that he do cause the necessary rations to be furnished.

Approved, 12th November.

IN SENATE, November 12th, 1813.

WHEREAS, it has been represented, by a communication from his excellency the Governor, that the want of necessary supplies has considerably retarded the progress of our army, destined to act against the Creek Nation of Indians, and there being reason to believe that there are not funds sufficient at the disposal of the proper officer for the procurement of those supplies, without which the contemplated expedition must fail: And whereas, the public interest is essentially involved in the success of our army in that quarter: (No. 85.)

Be it therefore resolved, That his excellency the Governor be, and he is hereby authorized and requested to advance, on account of the United States, for the purpose of procuring supplies for the said army, a sum of money not exceeding twenty thousand dollars, out of any funds which may be in the treasury of this state; and should any difficulty arise from the want of money in the treasury, his excellency is hereby authorized and required to negotiate a loan with the bank of Augusta or Planters' Bank for the sum aforesaid, for a term not exceeding one hundred and twenty days, and for the repayment of which to the said bank, the faith of the state is hereby pledged.

Approved, 12th November,

IN SENATE, 4th November, 1813.

WHEREAS, the legislatures of several states, immediately after the glorious capture of the Guerrier, the Macedonian and the Java, returned their thanks to captain Hull, to commodore Decatur, and to commodore Bainbridge, for these results memorable in our history: (No. 86.)

And whereas, the time of our meeting affords us an opportunity of rendering the first legislative tribute to captain Perry, for his most glorious victory on Lake Erie, over a superior British force—a victory the most important, and the consequences of which will be more momentous to the United States than any victory which has blessed our arms since the surrender of Cornwallis at Yorktown—a victory by which we have ac-

In Senate.

quired the undisputed command of the waters of the west, from Lake Erie to the Lake of the Woods, and which has shed a blaze of light around our national flag, which no time and no circumstance can extinguish, for neither individual subterfuge nor national vanity can subtract aught from this victory; and even England, that has felt in every contest, must acknowledge in this, our superiority:

Be it therefore resolved by the Senate and House of Representatives, in General Assembly met, on behalf of the people of Georgia, that the thanks of this legislature, and the thanks of this people are due to captain Perry, for his indefatigable exertion in equipping the American fleet on Lake Erie, for his prompt and ready pursuit of the enemy, and for the masterly manner in which he engaged, and the unexampled intrepidity which he displayed in bearing his flag from a ruined and overwhelmed ship, to be triumphantly displayed upon another.

And be it further resolved, That the thanks of this legislature and of this people, are due to the officers and seamen on board the American fleet, for the able support of captain Perry by each and every of his officers, and for the cool intrepidity displayed by our gallant seamen, which will consecrate, if any thing were necessary to consecrate the indelible affection which is borne to them by their fellow citizens.

And be further resolved, That his excellency the Governor be requested to transmit these resolutions to captain Perry.

Approved, 12th November.

IN SENATE, 10th November, 1813.

(No. 87.) The committee on the state of the Republic, to whom was referred the governor's communication relative to the late depredations committed by the hostile Indians on the frontier of Morgan county, beg leave to

REPORT, That they have examined said communication, and are gratified in saying, they highly approve of the vigilance evinced by his excellency the Governor, in adopting speedy measures for the protection and security of that part of the frontier invaded.

They also approve of the distribution of the public arms, and the provision making for the furnishing of the frontier in general with ammunition.

But experience has taught us, that the most effectual means of defending our frontier against the incursions of our present insidious and artful foes is, by carrying slaughter and devastation into their own country : And whereas, the want of provision and means of transportation, will tend very much to retard the progress of the army from Georgia, at present in the field, and almost inevitably prevent either them or the army from Tennessee from attacking and destroying the Oakfuskee or upper warring Creek towns :

In Senate.

Resolved, That it is the opinion of your committee, that some active, vigilant officer, who may be acquainted with the Indian mode of warfare, may be tolerated and authorized by his excellency the Governor, to raise by voluntary enrolments or tender of service, a number of mounted rifle or musket men, not less than five hundred, nor more than one thousand, each furnishing their own arms and provisions, if convenient, if not, by the public, for a term not less than fifteen, or more than thirty days after they shall arrive at the place of rendezvous, for the purpose of destroying the upper and most adjacent warring Creek towns, and that the expense of the expedition be paid out of the treasury of this state, which may be set apart for military disbursements.

Approved, 16th November,

IN SENATE, 11th November, 1813.

The joint committee appointed to receive proposals and report on the subject of (No. 88.) printing the laws, the journals, and concurred resolutions of the present session,

REPORT, That they have received proposals from Nicholas Childers and Seaton and Fleming Grantland, and having duly considered said proposals, are of opinion, that the terms proposed by said Seaton and Fleming Grantland, under all the circumstances, would be the most advantageous to the state. The committee do therefore recommend the following resolution :

Resolved, That Messrs. Seaton and Fleming Grantland have the printing the laws, journals and concurred resolutions of the present session of the legislature ; that is to say, fifteen hundred copies of the laws and resolutions, and fifteen hundred copies of the journals of each branch of the General Assembly, at the same price, and under the same regulations and restrictions as those of the last session of the legislature.

Approved, 18th November.

In Senate.

IN SENATE, November 8th, 1813.

- (No. 89.) RESOLVED, That his excellency the Governor be authorized and requested to send on to the major commandant of the county of Tatnall, for the use of his battalion, forty stand of arms from the public arsenal at this place, and the major commandant shall be authorized to contract with some proper person to make the necessary repairs to the said arms, at the expense of the state, taking his receipt for the same.

Approved, 20th November.

IN SENATE, 17th November, 1813.

- (No. 90.) RESOLVED, That our senators and representatives in the Congress of the United States be, and they are hereby particularly requested to use their influence to have the law of Georgia of eighteen hundred and four, regulating fees of the health officers and harbour masters for the ports of Savannah and St. Mary's, sanctioned for two years from the end of next session of Congress, that being the expiration of the time prescribed by a previous sanction,

Approved, 20th November.

IN SENATE, 22d November, 1813.

- (No. 91.) WHEREAS, a resolution passed last session of the General Assembly, requesting and authorizing his excellency the Governor to put in suit the bond of Adams and Duyckinck, printers, who had contracted for the printing of a compilation of the laws and resolutions of this state, passed since the political year 1800; and in pursuance thereof, suit having been commenced, and which is now pending in the county of Richmond, against the said Adams and Duyckinck, and the securities, upon the bond given for the performance of said contract :

Be it therefore resolved, That his excellency the Governor be authorized and required to receive from the said Adams and Duyckinck, or their securities, or any one of them, two thousand printed and bound copies of a compilation of the Laws of Georgia, made by A. S. Clayton, esquire, from 1800 to 1810, so that they be executed in terms of the contract; and upon the receipt thereof the contract shall be considered as complied with and performed: *Provided*, the said books be delivered at the state-house in Milledgeville, on or before the first day of October next; and upon compliance with this resolution, his excellency the Governor shall authorize and require the attorney general to dismiss the suit so commenced, at the costs of the defendants.

Approved, 30th November.

In Senate.

IN SENATE, 13th November, 1813.

RESOLVED, That his excellency the Governor be, and he is hereby authorized and (No. 92.) required to contract with some fit and proper person to make the necessary repair on the arms now in the public arsenal of this state.

Approved, 3d December.

IN SENATE, 26th November, 1813.

WHEREAS, it is the opinion of all men well informed upon the subject, and with whom (No. 93.) experience has combined with local information, to enable them to judge justly, that a naval force affords the best protection for the defence of the sea-coast :

Be it therefore resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That our senators are required, and our representatives requested, to use their efforts with the President of the United States, and with the secretary of the navy, to enlarge that description of force, between the ports of Savannah and St. Mary's, more particularly necessary since the calamitous hurricane which has occurred in this quarter.

And be it further resolved, That his excellency the Governor be requested to transmit this resolution to our senators and representatives in Congress.

Approved, 3d December.

RESOLUTIONS,**WHICH ORIGINATED IN SENATE IN 1814.**

IN SENATE, 21st October, 1814.

In Senate. **RESOLVED**, That the commissioners of the Penitentiary edifice be, and they are hereby directed to lay before this General Assembly a statement of the receipts and expenditures, up to the present period, together with a statement of the progress of the said edifice.

(No. 94.)

Approved, 31st October, 1814.

IN SENATE, 21st October, 1814.

(No. 95.) **WHEREAS**, this state, as well as several of her sister states, having, during the present war, taken the earliest opportunity to enrol among the records of fame the illustrious deeds of their gallant naval commanders, and of their officers and seamen; and have, in a highly honourable manner, through their legislative councils, presented their thanks to captain Hull, commodore Decatur, commodore Bainbridge, and to captain Perry: and this state, in a particular manner, has tendered their thanks to captain Perry, for his glorious victory over a superior British force on Lake Erie:

And whereas, since those memorable exploits have been achieved, a series of deeds equally splendid have been performed by others of our gallant heroes, both by land and by sea; and whereas, it is both fit and proper that the names and exploits of our gallant sons be recorded and transmitted to a grateful posterity, in order that future generations may emulate their exalted virtues and fame,—the only reward a noble mind can ask, for his exertions in the defence of his country's rights and honour:

Be it therefore unanimously resolved by the Senate and House of Representatives, in General Assembly met, on behalf of the people of Georgia, That the thanks of the citizens and of the legislature of this state, are due to captain Warrington, and to his officers and seamen, for their valour and skill in capturing the Epervier: to captain Porter, and to his officers and seamen, for their unparalleled perseverance in defence of their country's

In Senate.

rights, and for their noble conflict in defence of their ship, under every disadvantage, against a greatly superior force: to commodore Macdonough, and to the officers and seamen on board the several vessels under his command, for the capture and destruction of a superior British naval force on Lake Champlain: to captain Blakely, of the United States' sloop Wasp, and through him to the officers and seamen, for their gallantry and good conduct in capturing the British sloop of war Reindeer.

And whereas, the armies of our country have latterly been equally successful and splendid in their victories:

Be it further unanimously resolved, That the thanks of the citizens and of the legislature of this state are due to that galaxy of heroes, general Brown, general Scott, general Gaines, and general Macomb, for their brilliant victories to the north; to the intrepid general Jackson, to the south-west; and to commodore Barney, for his gallant conduct at the battle of Bladensburg; to that gallant band of heroes, generals Porter, Ripley and Miller, for the intrepidity and skill displayed by them in the splendid sortie from Fort Erie on the enemy's batteries; to the brave and intrepid major William Lawrence, and through him to his officers and men, for their gallant and successful defence of Fort Bowyer, attacked by a greatly superior force both by land and water; to the young hero, a native of Georgia, lieutenant colonel Appling, of the rifle corps, for his brilliant and officer-like conduct at the siege of Plattsburgh, as well as for the gallantry displayed by him, acting as major, at Sandy creek, in capturing the whole of the enemy's force; and to brigadier general Floyd, adjutant general Daniel Newnan, and to the officers and men who so nobly distinguished themselves at the battles of Autossee and Caulebee. The zeal, patriotism and determined bravery manifested on those occasions, by the officers and men from this state, establish a fair claim to military fame and reputation, and justly merit the admiration and gratitude of a generous people.

Be it further resolved, That his excellency the Governor be requested to transmit these resolutions to captain Warrington, captain Porter, commodore Macdonough, general Brown, general Scott, general Gaines, general Jackson, general Macomb and commodore Barney; and to captain Blakely, generals Porter, Ripley and Miller, major William Lawrence, lieutenant colonel Appling, general Floyd, and adjutant general Newnan.

Approved, 31st October, 1814.

In Senate.

IN SENATE, 22d October, 1814.

- (No. 96.) RESOLVED, That the justices of the Inferior Courts of the counties of Columbia and Warren be, and they are hereby authorized to pay, out of the county funds, unto Reuben Y. Langston and Pierson Petit, each the sum of two dollars and seventy-five cents for every mile that they necessarily run in running the dividing line between the afore-said counties, agreeable to the certified plat and representation of said line now deposited with the clerk of the Inferior Court of Columbia county; that Reuben Y. Langston be paid by Columbia county, and Peirson Petit by Warren county; which shall be in full of the claims of the said Langston and Petit, for running and marking said line, including the hire of chain-carriers, choppers, flag-staff men, and every other charge for running said line.

Approved, 31st October, 1814.

IN SENATE, 22d October, 1814.

- (No. 97.) While the legislature of Georgia view, with the liveliest sensations, the glorious achievements of the American arms *generally*, they cannot but felicitate themselves *particularly* in the recollection of the heroic exploits of the brave and gallant lieutenant colonel Daniel Appling, whom the state is proud to acknowledge her native son; and, as a tribute of applause from the state which gave him birth, a tribute due to the lustre of his actions,—

Be it unanimously resolved by the Senate and House of Representatives, in General Assembly met, That his excellency the Governor be, and he is hereby requested to have purchased and presented to him an elegant sword, suitable for an officer of his grade.

Approved, 31st October, 1814.

IN SENATE, 25th October, 1814.

- (No. 98.) The joint committee appointed to contract for the printing of the laws, journals, and other public documents, ordered by the present session of the legislature to be printed, do recommend that the senate do adopt the following resolution, to wit:

Resolved, That Messrs. S. & F. Grantland have the public printing of this state at the same price, and upon the same terms, &c. &c. as for the preceding political year.

Approved, 31st October, 1814.

In Senate.

IN SENATE, 27th October, 1814.

The committee to whom was referred the petition of Abraham Borland, having had (No. 99.) the same under their consideration, and examined the accompanying documents, are of opinion that the prayer of the petitioner is reasonable, and ought to be granted; they therefore recommend the following resolution:

Resolved, That full satisfaction be entered on the judgments obtained in the Superior Court of Baldwin county against Abraham Borland, on the bonds given by him for fractions numbers 23 and 24, in the fourth district of Wilkinson county; and that a credit of one hundred and twenty-five dollars be entered on other judgments had in the same court against the said Borland, for fractions purchased by him; the said sum being the amount he expended in the prosecution of his suit against Lemuel Wiggins, for fraction number 24: *Provided nevertheless*, that the satisfaction and credit herein authorized shall not be entered, until the said Abraham Borland shall have relinquished to his excellency the Governor, in behalf of this state, all the right, title or claim, which he now has or ever had to the aforesaid fractional surveys of land, numbers 23 and 24, in the fourth district, Wilkinson county.

Approved, 18th November, 1814.

IN SENATE, 4th November, 1814.

RESOLVED, That the commissioners of the town of Milledgeville be, and they are (No. 100.) hereby authorized to lease to Joseph B. Jones, for the term of ten years, ten acres of land on the common of said town, including the buildings and cleared ground now occupied by him, for the establishment of a brewery.

Approved, 19th November, 1814.

IN SENATE, 9th November, 1814.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That our senators in Congress be instructed, and our representatives be requested, to use their best endeavours to prevail upon Congress to propose to the several states, for their adoption, an amendment to the constitution of the United States, to reduce the term of service of the senators in Congress from six to four years.

Resolved, That his excellency the Governor be requested to transmit copies of the foregoing resolution to the executives of the different states, with a request that they be

In Senate. laid before the legislatures of the several states ; and also one copy to each member of the senate and each member of the house of representatives from this state, in the Congress of the United States.

This resolution was presented to the executive on Friday the 18th November, 1814, but was suffered to remain in the executive five days, so as to become a resolution in terms of the provision of the constitution, without being approved.

ANTHONY PORTER, Secretary.

IN SENATE, 11th November, 1814.

(No. 102.) *Be it resolved, by the Senate and House of Representatives, in General Assembly met, and by authority of the same, That it is expedient to authorize his excellency the Governor to draw out of the treasury of the state, or take from any monies that may be due to the state from the United States, a sum of money which may be equal to the amount of the direct tax for the state of Georgia, and to settle with the government of the United States, the amount thereof.*

Approved, 22d November, 1814.

IN SENATE, 15th November, 1814.

(No. 103.) *WHEREAS, Mordecai Shackelford, tax collector of Clark county, was, by the expedition conducted by general Floyd, and affliction since, prevented from closing his collection in time to lay the insolvent list before the grand jury of the last term.*

Be it therefore resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the treasurer do stay all proceedings against the said Mordecai Shackelford, until the tenth day of April next.

Approved, 22d November, 1814.

IN SENATE, 17th November, 1814.

(No. 104.) *Be it resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That whereas suits have been commenced and instituted against Obadiah Echols, Reddick Sims, and Francis Flounoy, late defaulting commissioners of*

this state, on their several bonds, and every legal and proper exertion made to recover thereon, failing, and being found impracticable ; it is the opinion of this legislature that any further prosecution of said suits will be unavailing, and would be calculated only to involve the state in additional and unnecessary expense :

In Senate.

Therefore be it resolved, That any further prosecution of the bonds of the said Obadiah Echols, Reddick Sims and Francis Flournoy do cease and be discontinued.

Approved, 23d November, 1814.

IN SENATE, 19th November, 1814.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the commissioners of the town of Milledgeville be, and they are hereby authorized to lease to Jesse Burson three acres of land on the common of said town, now occupied by him, for the term of seven years, upon such terms as they may deem reasonable and just.

Approved, 23d November, 1814.

IN SENATE, 19th November, 1814.

Resolved by the Senate and House of Representatives of the state of Georgia, That the treasurer of this state, and all other officers employed in collecting money arising from the sale of fractional surveys, be, and they are hereby authorized and directed to extend to all soldiers in the service of this state, or of the United States, the same indulgence which is by law extended to such soldiers in cases of private contract ; and to all other citizens indebted for fractional surveys, the same indulgence which an act, entitled " An act to authorize the several Courts of Equity in this state to grant remedies in certain cases, and to regulate the Courts of Law and Equity in this state, and affording temporary relief to the soldiers whilst in the service of this state or of the United States, and for other purposes," gives to citizens in case of private contract, on their complying with the requisitions of the said law.

Approved, 23d November, 1814.

IN SENATE, 4th November, 1814.

The committee to whom was referred the petition of Reuben Wilkinson, Report, that they have with some pains investigated the subject matter of said petition, and find that

In Senate. general Thomas Glascock, in the year 1794, petitioned the General Assembly of this state, alleging that he had purchased from the public a tract of land, for the quantity of one thousand acres, which, on a resurvey, was found to contain only six hundred and ninety acres, and prayed relief in the premises, which prayer was thought reasonable, and a resolution predicated on said petition passed, recommending relief commensurate with the injury; but the sum thus recommended, not being put into the appropriation act, the same was not paid. That in the year 1797, the said Thomas Glascock again petitioned and prayed relief, which was granted, and a settlement in conformity therewith was made with the treasurer; in consequence of which premises, the surplus of the 1000 acres, if to be found, became re-vested in the state of Georgia.

The petitioner, Reuben Wilkinson, having stated in his petition that he knows the land in question, and that the same may be found, and praying that an opportunity may be afforded him, in common with others, of purchasing the same, your committee recommend the following resolution:

Resolved, That the sheriff of Scriven county be directed to advertise, and sell to the highest bidder, for cash or liquidated demands against the state, at the court-house of Scriven county, the said tract of three hundred and ten acres of land, the reverted surplus of the thousand acres, so sold as aforesaid to the said Thomas Glascock, giving thirty days notice of the time of making such sale; and that the amount accruing from the sale of said land be by said sheriff deposited in the treasury of this state.

Approved, 23d November, 1814.

IN SENATE, 18th November, 1814.

(No. 108.) The joint committee on finance, to whom was referred the treasurer's statement of the treasury up to the 6th November, 1814, inclusive, beg leave to

REPORT, That they have examined the several items therein contained, with the books, cash, &c. in the treasury, and find the same to agree with the statement in every particular.

They have had under their consideration the items in the treasurer's statement, denominated bonds and notes, and find from inquiry of the treasurer that some of the bonds are, or will be open to immediate collection, while others, for the want of directions from the legislature, in this particular, will remain in the treasury unacted upon; in order, therefore, to put all persons indebted to the state, by bonds or notes, on the same footing, they recommend the following resolution:

Resolved, That his excellency the Governor cause such measures to be adopted as will ensure, as speedily as may be, the collection of the bonds in the treasury office, given for Milledgeville lots, the notes given for the rent of fractions, and for the rent of the twenty acre lots on the Milledgeville common, and such other bonds and notes as may be in the treasury, and not heretofore required to be put in suit.

In Senate.

Approved, 23d November, 1814.

IN SENATE, 18th November, 1814.

The joint committee on finance, to whom was referred the report of the solicitors of the eastern and western districts, relative to confiscated property, beg leave to Report, that they received from the commissioners, William Robertson and Hines Holt, four mortgages, one given by Abraham Jones, one by James Montford, one by Sheftall Sheftall, and the fourth by Roger P. Sanders; that there appears to be a deficiency of several mortgages, of which they have received no information. And they further report, that they deem it expedient that measures should be taken as early as possible by the attorney and solicitors generals, to ensure the collection of the sums due by mortgages and bonds for confiscated property; we therefore recommend the following resolution:

Resolved, That his excellency the Governor be requested to instruct the attorney and solicitors generals of this state to take the most speedy and effectual measures to ensure the collection and payment into the treasury, of all the monies due for confiscated and reverted property.

Approved, 23d November, 1814.

IN SENATE, 18th November, 1814.

WHEREAS, public opinion must essentially influence the conduct of those who are called to the administration of a republican government, and in the prosecution of a war, the measures of the administration may be accelerated or retarded by the application of this momentum.

And whereas, the recent advices from our ministers plenipotentiary at Ghent, have apprised us of the insolent and insulting pretensions of the cabinet of Britain; pretensions incompatible with the most essential rights of this government, and which have excited feelings of indignation in every patriotic bosom against our proud and insolent foe:

In Senate.

And whereas, public policy demands that the government of the United States should be encouraged by the expressions of these sentiments in the prosecution of a war, rendered necessary by the endearing recollection of its being prosecuted in defence of our wives, our children, our sacred honour, and the independence of our beloved country :

Be it therefore resolved unanimously by the General Assembly of the state of Georgia, That the terms and conditions proposed by the British ministers at Ghent to the ministers plenipotentiary on the part of the United States, as the *sine qua non* upon which a treaty of peace may be concluded, are not only incompatible with the essential rights of the American Republic, and therefore inadmissible, but are in the highest degree insulting to the American character ; and whilst the members of this legislature deprecate the horrors of war, and would rejoice that its clouds should be dispelled by the cheering rays of an honourable peace, they take pleasure in the expression of the opinion, that this portion of the American people will cheerfully breast the storm of war, rather than purchase the return of peace by the sacrifice of those rights which every independent American must hold dear.

And be it further unanimously resolved, That to make peace upon the terms proposed, would be to compromise the dignity and the honour of the Republic, to sacrifice the most important rights of the nation, and jeopardize her independence. The legislature therefore respectfully recommend to the general government a vigorous prosecution of the war, as the only means of humbling the pride of the enemy, producing an honourable peace, and transmitting to posterity, unimpaired, the blessings of freedom and independence.

Resolved, That his excellency the Governor transmit a copy of these resolutions to the President of the United States.

Approved, 23d November, 1814.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1814.

IN THE HOUSE OF REPRESENTATIVES,

Monday, 7th November, 1814.

THE joint committee on finance, to whom was referred the petition of John M. Patrick, beg leave to recommend the following resolution:

In the House
of Represen-
tatives.

Resolved, That the prayer of the petitioner is reasonable, and ought to be granted, and that the sum of eighty dollars be allowed the said John M. Patrick.

(No. 111.)

Approved, 15th November, 1814.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, 10th November, 1814.

Resolved, That his excellency the Governor be, and he is hereby authorized to negotiate a loan with the banks of this state, or either of them, for a sum of twenty thousand dollars, and that the same be advanced by him to the quarter master's department on account of the United States, as a temporary aid to enable the detachment of militia destined for the south-west to march without delay.

(No. 112.)

Approved, 15th November, 1814.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, 2d November, 1814.

Resolved unanimously, That his excellency the Governor be, and he is hereby requested to procure a sword suitable to the rank and grade of lieutenant James M^cIntosh, of the rifle corps, a native of the state of Georgia; and that he cause the same to be presented to that meritorious officer as a testimony of the high estimation in which he is held by the legislature of his native state, for his gallantry and intrepidity, displayed in the late actions at Sandy creek and Conjocketa creek near Black Rock; the first conducted by lieut. col. Appling, and the latter by the deceased major Morgan

(No. 113.)

Approved, 15th November, 1814.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
Saturday, 12th November, 1814.

- (No. 114.) WHEREAS, the tax collector of Twiggs county, having been prevented, by the unexpected adjournment of the court at the last term, from laying before the grand jury of said county a list of insolvent debtors for taxes :

Be it therefore resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is resolved by the authority of the same, That the said tax collector shall be, and he is hereby authorized and required to lay before the grand jury of the county aforesaid, at the next term of the Superior Court, the insolvent list aforesaid ; and the said tax collector is hereby indulged until the next court for the purposes aforesaid, provided he shall pay over to the treasurer all taxes collected by him agreeably to law.

Approved, 19th November, 1814.

IN THE HOUSE OF REPRESENTATIVES,
Saturday, 12th November, 1814.

- (No. 115.) WHEREAS, many of the citizens of this state, without regard to existing treaties between the friendly Indians and the United States, and contrary to the interest and good policy of this state, have gone, and frequently are going over and settling and cultivating the lands allotted to the friendly Indians for their hunting ground, by which means the state is not only deprived of their services in the army, but considerable feuds are engendered between us and our friendly neighbouring Indians :

Resolved therefore, by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That his excellency the Governor be, and he is hereby requested to take the necessary means to have all intruders removed off the Indian lands, and that proper steps be taken to prevent future aggressions.

Approved, 19th November, 1814.

IN THE HOUSE OF REPRESENTATIVES,
Tuesday, 15th November, 1814.

- (No. 116.) The committee to whom was referred the petition of Nehemiah Dunn, as parent and natural guardian of Elijah Dunn and Benajah Dunn, minors,

REPORT, That they have examined the vouchers accompanying the same, wherein it appears that Daniel Wallicon, in the year 1783, purchased of the commissioners of confiscated property a certain tract of land, containing four hundred and fifty acres, originally granted to William Jackson, on the third day of October, one thousand seven hundred and sixty-nine, situate and being in the parish of Saint Paul, (now Columbia county) which said tract of land was sold as the property of William Manson; and whereas, the aforesaid Daniel Wallicon did, by his last will and testament, bearing date the fifth day of September, 1789, give and bequeath the same unto Jeremiah Wood, who did convey the same to the said Elijah and Benajah Dunn, by deed of conveyance, bearing date the 22d day of March, 1803: and whereas, it appears that the bond given for the purchase money of the said tract of land has been fully discharged and paid off by the said Wallicon, and that there has been no deed of conveyance heretofore made by the commissioners of confiscated property; in consideration whereof, we deem the prayer of the petitioner reasonable, and ought to be granted; we therefore recommend the following resolution:

In the House
of Represen-
tatives.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the present commissioners of confiscated property, or a majority of them, do make and execute titles for the said four hundred and fifty acres of land to Nehemiah Dunn.

Approved, 19th November, 1814.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, 15th November, 1814.

Be it resolved, That his excellency the Governor be, and he is hereby authorized and (No. 117.) required to cause the bond that was given by Zach. Sims, principal, and E. Park, Thomas Ligon, Abram Heard and Robert Royston, securities for \$3000 that was loaned the said Zach. Sims, be collected as soon as it may be practicable.

Approved, 22d November, 1814.

IN THE HOUSE OF REPRESENTATIVES,

Friday, 18th November, 1814.

RESOLVED, That his excellency the Governor be, and he is hereby requested to cause (No. 118.) the numbers of Clayton's Digest to be distributed with the laws and journals of the present session throughout the different counties in this state, in proportion to the number that may have been received.

Approved, 22d November, 1814.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
Thursday, 17th November, 1814.

(No. 119.) The select committee to whom was referred the petition of Benjamin Davis,

REPORT, That they have had the same under consideration, and are of opinion, that the prayer of the petitioner is reasonable, and ought to be granted, and therefore recommend the following resolution :

Resolved, That his excellency the Governor be requested to order the suspension or stay of the execution, the State against Benjamin Davis, until the next term of the Superior Court in Richmond county.

And be it further resolved, That if the said Benjamin Davis shall or do, on the first day of the next term of the Superior Court of Richmond county aforesaid, deliver to the said court the body of Abraham Collins, or to the sheriff in vacation, that then and in such case his excellency the Governor be, and he is hereby authorized to discharge the judgment recovered against the said Benjamin Davis by the state as the security of the said Abraham Collins.

Approved, 22d November, 1814.

IN THE HOUSE OF REPRESENTATIVES,
Thursday, 17th November, 1814.

(No. 120.) The joint committee on finance, to whom was referred the report of the comptroller general from the house of representatives, beg leave to recommend the following resolution :

Resolved, That the report of the comptroller general be published three several times in one of the Milledgeville gazettes, with the exception of the names of Theodore Montford and Richard T. Keating, so far as relates to the year 1807, as to the latter, who appear to have settled the amounts stated to be due by them with the sheriffs of M^cIntosh and Bryan counties.

Approved, 22d November, 1814.

RESOLUTIONS,

WHICH ORIGINATED IN SENATE IN 1815.

IN SENATE, 14th November, 1815.

RESOLVED, That his excellency the Governor be requested to inform the General Assembly, what measures have been taken to carry into effect a resolution, passed on the second day of December, 1812, authorizing him to direct the solicitor general of the eastern district to investigate the claim of the state to certain lands, purchased in the month of November, 1810, by the counties of Elbert, Jackson, Clark, Morgan, Putnam, Laurens, Montgomery, Bulloch, Randolph, (now Jasper,) and Scriven. In Senate.
(No. 121.)

Approved, 22d November, 1814.

IN SENATE, 15th November, 1815.

The committee to whom was referred the petition of William Stroud, a wounded soldier, beg leave to Report, that they have taken the hard case of the petitioner under consideration, and are of opinion that he ought to be allowed the sum of fifty dollars, as subsistence for one year, and that said sum be made part of the appropriation for the year 1816. (No. 122.)

Approved, 22d November, 1815.

IN SENATE, 20th November, 1815.

RESOLVED, That Messrs. Seaton and Fleming Grantland have the public printing of this state, for the present political year, at the same price and on the same conditions as for the preceding. (No. 123.)

Approved, 25th November, 1815.

In Senate.

IN SENATE, 21st November, 1815.

- (No. 124.) The committee to whom was referred the petition of John M^cQueen, stating, that in the year 1808, he delivered to John M^cKinnon, as commissioner of confiscated property, certain plats and grants of land, amounting to 13,354 acres; that the 24th day of December, 1810, 7,200 acres of the said lands were sold at public sale in Milledgeville, for \$34,012, and that the said John M^cKinnon bought in for, and by desire of the petitioner, the Jefferson tract of land, containing 3000 acres, the titles for which the petitioner has not received, and praying that titles may be ordered to him for the said 3000 acres, which includes 2000 acres granted Sir James Wright, 500 acres granted Thomas Moodie, and 500 acres granted Charles West, as the property of said Sir James Wright, excepting the town of Jefferson, which is by law excepted—Report, that they have examined the documents, and find the facts correct, as stated in said petition, and therefore beg leave to recommend the following resolutions:

Resolved, That John M^cKinnon be directed to fill up the blank deed of conveyance made by Hines Holt and William Robertson, commissioners of confiscated sales, and deliver the same to John M^cQueen, in three months from the passage of this resolution, which deed was given by the said Hines Holt and William Robertson, as commissioners aforesaid, to the said John M^cKinnon, to be filled up by him, and deliver the same to the said John M^cQueen.

And be it further resolved, That the said John M^cKinnon, one of the said commissioners, be, and he is hereby required to deliver, to the treasurer of this state, all the plats and grants which were delivered to him by the said John M^cQueen, agreeably to a list or schedule thereof, signed by the said John M^cKinnon, which shall be lodged with the said treasurer; and that, so soon as the balance of the said land shall have been sold, the said John M^cQueen shall be entitled to receive his per centum on the same.

Approved, 16th December, 1815.

IN SENATE, 22d November, 1815.

- (No. 125.) WHEREAS, There is no law or resolution in this state requiring the secretary of state, treasurer, surveyor general and comptroller general, to make out a schedule or list of the books of records, and other documents or papers appertaining to their said several offices, to the executive or elsewhere:

And whereas, it is deemed expedient that there should be a record of the schedule of all such books of records and other documents, appertaining to the said several offices, so as to ascertain the records belonging to this state : In Senate.

Therefore, be it resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That his excellency the Governor, and his successors in office for the time being, be, and he is hereby authorized and required to cause the secretary of state, treasurer, surveyor general and comptroller general, to make out a schedule or list of all the books of records, and such other papers as his excellency may think expedient, appertaining to their several offices, and have the said schedule filed and recorded in the executive office.

And be it further resolved, That the said several officers do, annually, at the end of each political year, make out a like schedule of the increase of the records and other documents belonging to their said several offices, to the then executive officer, to be filed and recorded as aforesaid.

Approved, 30th November, 1815.

IN SENATE, — November, 1815.

The joint committee on finance, to whom was referred the petition of Raymond Demere and others, beg leave to Report : That they had the same, together with the accompanying documents, under their serious consideration, and recommend the following resolution :

Resolved, That the prayer of the petitioners is reasonable, and ought to be granted, so far as to cancel or deliver up to the petitioners the bonds given to the state for the two tracts of land called Cherry-Hill and Dublin, the same having reverted to the state, and having been sold by the commissioners of confiscated property, for the benefit of the state : Provided nevertheless, that the solicitor general of the eastern circuit be, and he is hereby required to prosecute the claim of the state to said tracts of land until a final trial and decision : And provided also, that the said Demere do relinquish all right and claim against the state, for or on account of any monies paid by his father for said lands, and all title which his father may have received for the same.

Approved, 30th November, 1815.

In Senate.

IN SENATE, 28th November, 1815.

- (No. 127.) WHEREAS, the penal code of this state, as adapted to the penitentiary system, requires revision and amendment :

Be it therefore resolved, That his excellency the Governor be, and he is hereby authorized and required to employ fit and proper persons (not exceeding three) to compile a code of criminal law, adapted to the penitentiary system, and that he lay the same before the next General Assembly, for their approval, amendment or dissent ; and that he pay the expenses of the same out of the contingent fund.

Approved, 8th December, 1815.

IN SENATE, 5th December, 1815.

- (No. 128.) The committee on finance, to whom was referred the petition of Mrs. Nancy Horton, Report, that they have had the same under consideration, and find that it is reasonable, and ought to be granted, and therefore recommend the following resolution, to wit :

Resolved, That the sum of fifty dollars be appropriated to Mrs. Nancy Horton, to be paid her by warrant on the treasurer from the Governor, upon her giving bond and security to indemnify the state against the payment of a warrant issued the 3d of December, 1802, in favour of James Byrum, for the said sum of fifty dollars ; it appearing that the said warrant has been lost, and consequently never taken in the treasury.

Approved, 16th December, 1815.

IN SENATE, 5th December, 1815.

- (No. 129.) The committee to whom was referred the petition of colonel Daniel Newnan, are of opinion that the prayer of the petitioner is reasonable, and ought to be granted ; they therefore recommend, that the sum of five hundred dollars be allowed him in the appropriation law, which shall be written off his bonds given to the state for the purchase of fractional surveys of land, by the treasurer or other officer in whose hands such bonds may be, and which shall be considered as a remuneration to him the said Newnan, for the loss of a negro man, on an expedition conducted by him against the Aulotchewau Indians, in the year 1812.

Approved, 16th December, 1815.

In Senate.

IN SENATE, 29th November, 1815.

RESOLVED, That his excellency the Governor be, and he is hereby directed, to have (No. 130.) consolidated and compiled in a pamphlet form, the several patrol laws in force in this state, and to distribute the said compilation in such manner as may be the best calculated to give it general publicity.

Approved, 16th December, 1815.

IN SENATE, 4th December, 1815.

RESOLVED, That colonel Nicholas Long, colonel Patrick Jack, colonel H. V. Milton, (No. 131.) captain William Jones, colonel Edward Harden, captain Willoughby Barton, major general Allen Daniel, and the adjutant general, colonel Daniel Newnan, be, and they are hereby appointed and requested to act as a board for the purpose of framing and digesting a military system for the militia of this state; and that they do, so soon as they shall have completed the said system, report the same to his excellency the Governor, whose duty it shall be to submit it to the next General Assembly, with his opinion thereon.

Approved, 16th December, 1815.

IN SENATE, 11th December, 1815.

The committee to whom was referred that part of the Governor's communication relative to the arms and ammunition belonging to this state, having had the same under consideration, and being apprised that a considerable quantity of both have been issued to commanders of regiments in different sections of the state, and not yet returned, recommend the following resolution:

Resolved, That his excellency be requested to call on the said commanders, for a statement of the number and quality of arms and ammunition remaining in their several commands, and to make such disposition of the same as he may think most proper.

Approved, 16th December, 1815.

In Senate.

IN SENATE, 5th December, 1815.

- (No. 133.) The committee to whom was referred the petition of the citizens of Milledgeville, have had the subject under their consideration, and recommend the adoption of the following resolution :

Be it resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That his excellency the Governor be, and he is hereby authorized and required, to order stay of execution on all judgments which have been or may be obtained, prior to the first day of April next, in behalf of the state, against the purchasers of Milledgeville lots, for the term of six months from the date of said judgments ; at the expiration of which time the said purchasers, or their securities, shall, on the payment of one-third of the principal and interest then due by them, be entitled to a further stay of twelve months ; Provided nevertheless, that all persons claiming the indulgence hereby given, shall, if required, give additional security for the payment of their respective dues ; and that nothing herein contained shall be so construed as to prevent securities from proceeding against their principals, in the manner pointed out heretofore by the legislature.

Approved, 16th December, 1815.

IN SENATE, 5th December, 1815.

- (No. 134.) The joint committee on finance, to whom was referred the petition of James Patterson, have had the same under consideration, and beg leave to Report, that it appears to them that James Patterson was receiver of tax returns in Wilkes county, in the year eighteen hundred and eight ; that from the oath of the said receiver, and the statement of the comptroller general, there is due the said receiver the sum of one hundred and ninety-five dollars and eighty-five cents for his services ; they therefore recommend the following resolution :

Resolved, That the sum of one hundred and ninety-five dollars and eighty-five cents, be appropriated for the use of James Patterson, receiver of tax returns for Wilkes county, in eighteen hundred and eight, as a full compensation for his services.

Approved, 16th December, 1815.

In Senate.

IN SENATE, 8th December, 1815.

RESOLVED, That the commissioners of the academies of the counties of Elbert, Jackson, Morgan, Clark, Putnam, Laurens, Montgomery, Bulloch, Jasper and Scriven, or at least one of the commissioners of the academies of a majority of the said counties, be, and they are hereby authorized, either by themselves, their agents or attornies, to sell and dispose of three tracts of land in the county of Camden, sold by the commissioners of confiscated property ; one as the property of Sir James Wright, one as the property of Alexander Wright, and one as the property of James Wright, junior, and bought by the commissioners of the academies of said counties ; and that they may dispose of the same, either at public or private sale, and on such instalments as they may deem most conducive to the interest of their several institutions ; and that the commissioners of confiscated property do make titles to the purchasers thereof, whenever they shall be thereunto required by said commissioners, their agents or attorney.

Approved, 16th December, 1815.

IN SENATE, 8th December, 1815.

RESOLVED, That the purchasers of fractional surveys and squares of land from this state, who may, on or before the first day of May next, give sufficient additional security, and who may, on or before that day, have paid one third part of the principal of the debt due to the state, with the interest and cost due on the first day of May 1816, shall have a further indulgence for the balance, until the first day of May, 1817 ; *Provided*, that nothing herein contained shall prevent proper measures being taken to secure the immediate payment of any sum or sums due the state, where it may be deemed expedient ; but proceedings may be stayed as aforesaid, in such cases, when good security is offered and taken by the proper officer.

And provided also, That when any judgment or execution is stayed, according to the provisions of this resolution, execution may issue after the expiration of the time for which security was given, against the principal and security or securities without any other proceedings thereon ; and that his excellency the Governor be authorized to give the necessary instructions to the proper officer for the accomplishment of the objects herein contemplated.

Approved, 16th December, 1815.

In Senate.

IN SENATE, 4th December, 1815.

- (No. 137.) The committee to whom was referred the memorial of captain Jonas Fouche in behalf of himself, and officers and men formerly under his command, Report, that it appears from an act of Congress, passed the 5th of March, 1792, and the letters of the secretary at war, addressed to the Governor of Georgia, authorizing effectual provision for the defence of the frontier of this state, that the said memorialist, and officers and men under his command, have rendered military services, authorized by the general government, which have not been compensated, from the twenty-third day of April 1793, to the twenty-fourth day of July 1794, inclusive ; we do therefore seriously regret, that the claims of the *war-worn* soldier should be so long neglected :

Be it therefore resolved, That his excellency the Governor be, and he is hereby required, to instruct our senators in Congress, and our representatives in the house of representatives, to call on the secretary at war, and prosecute the claims of our citizens there pending to a final settlement.

Approved, 16th December, 1815.

IN SENATE, 13th December, 1815.

- (No. 138.) WHEREAS, a practice has prevailed in the town of Milledgeville, of persons moving houses from the lots purchased from the state, and unpaid for by the purchaser, on other lots, whereby the securities to the purchasers and the state are defrauded, and speculation encouraged :

Be it therefore resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That from and immediately after the passing of this resolution, his excellency the Governor be, and he is hereby fully authorized and required, to take the most effectual and decisive measures to prevent the removal of any house or houses from off any lot or lots of land sold or leased under the authority of this state, until said lot or lots are paid for to the state, with the interest and cost thereon.

Approved, 16th December, 1815.

IN SENATE, 16th December, 1815.

- (No. 139.) RESOLVED, That his excellency the Governor be, and he is hereby authorized, to borrow a sum of money on the faith and credit of the state, (which are hereby pledged for the redemption thereof,) sufficient to comply with the subscription of this state to the

State Bank, if the same may be deemed necessary, previous to the meeting of the next In Senate.
General Assembly.

Approved, 16th December, 1815.

IN SENATE, 15th December, 1815.

*Be it resolved by the Senate and House of Representatives of the state of Georgia, in (No. 140.)
General Assembly met,* That the conduct of the directors of the Bank of Augusta, in withholding specie payments, has been dictated by good policy; that their refusal to accede to the proposal of the secretary of the treasury of the United States, in relation to treasury notes, was a precautionary measure, and such as prudence and good conduct required: and whilst the legislature entertain the most favourable opinion of the responsibility of the Bank, and the high credit of its bills, fondly hope that the period is not far distant, when the directors will be enabled to accommodate the holders of their bills with specie for the same.

Approved, 16th December, 1815.

IN SENATE, 15th December, 1815.

On motion of Mr. Charlton:

WHEREAS, at a period the most alarming to the destinies of the Republic; at a period (No. 141.) when every patriotic breast was palpitating with a fearful anxiety; at a period when the vainglorious and exulting enemy had promised beauty and booty to his supposed invincibles, thereby adding the excitements of lust and rapine to his other enormities; at this crisis, the genius and valour of major general Andrew Jackson, aided by the zeal and patriotism of his gallant officers and soldiers, spread havoc and dismay among the foe, and around themselves a blaze of glory, which has given to the arms of the nation an imperishable renown; and entitle the hero and his soldiers to the loudest plaudits of every section of their free and grateful country:

Be it therefore unanimously resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the legislature of this state, for themselves and in behalf of the people whom they have the honour to represent, tender to major general Andrew Jackson, and his gallant officers and soldiers, their thanks for the glorious and unparalleled efforts of the hero, and his brave companions in arms, before New-Orleans, thereby rescuing that devoted city from the threatened abominations of the enemy, raising to a proud station the military fame of the nation, and infusing confidence into the hearts of their countrymen.

In Senate. *Resolved*, That a copy of the foregoing be transmitted by his excellency to major general Andrew Jackson.

Approved, 16th December, 1815.

IN SENATE, 14th December, 1815.

(No. 142.) *RESOLVED*, That his excellency the Governor be, and he is hereby authorized and required, to appoint fit and proper persons, not exceeding two, for the purpose of attending all sales made by virtue of any execution in favour of the state, on account of the foreclosure of mortgages against the purchasers of fractional surveys, and in order to prevent fraud in any such sale, that the person or persons so appointed be authorized to bid in behalf of the state, to such amount as they may deem a reasonable value, for any fraction that may be thus offered for sale : *Provided nevertheless*, that the person or persons so appointed shall, previous to bidding at any such sale, take and subscribe an oath before some justice of the peace or of the Inferior Court, that they will bid in such manner as, in their judgment, will be most advantageous to the state.

Approved, 16th December, 1815.

IN SENATE, 6th December, 1815.

The joint committee on finance, to whom was referred the Report of the commissioners of the penitentiary edifice, beg leave to Report, that they have had the same under their consideration, and after an attentive examination of the account of disbursements made, find the same correct, as far as they could conveniently ascertain ; they would recommend, however, to the commissioners hereafter, to specify the particular quantity of any article purchased, and its cost : for example, so many feet of lumber, the kind, and its price per hundred feet ; so many barrels of nails, containing so many pounds, the quality, and the price per hundred weight ; the number of brick purchased or laid ; also, the proper vouchers, receipts, &c. for any thing purchased.

The committee suggest this, not from any want of confidence in the commissioners, but that the legislature may be enabled to know the terms on which materials have been purchased.

The committee will now proceed to express their sentiments relative to the balance of the Report of the commissioners.

If the penitentiary system is founded on the principles of a humane and wise policy, it is an object of primary importance that it should be carried into operation at the

earliest period possible; your committee are of opinion, that the system is honourable to the state, and affords the strongest evidence of the improvement of our country in civilization, and correct views of criminal jurisprudence; for nothing can be more unjust, more barbarous, than those laws, which, placing crimes of different degrees of magnitude upon an equality of guilt, alike require blood for all. In Senate.

An example or two will suffice: Under the present system, he who robs another on the highway, of property of the least value, is equally punished as if he had added murder to his crime, and thereby is often induced to commit murder for the purpose of preventing detection. The crime of manslaughter, infinitely more heinous than robbery, is only punished with burning in the hand, while the latter, as before observed, is punished capitally.

The pillory, cropping, and whipping, have a most unfortunate tendency, hardening the individual, and, when set at liberty, he is prepared for the perpetration of every crime.

The penitentiary system wisely proportions the punishment to the crime: it excludes the offender from society; it accustoms him to habits of industry, which he is like to preserve; his labour is beneficial to the state and to himself; the certainty of punishment is also increased, for under the present system, juries are unwilling to convict for minor offences where death follows.

The committee hope that their remarks will not be deemed foreign to the subject, as they prove conclusively, they trust, the propriety of completing the building as it at present stands, for the speedy reception of criminals. With respect to the completion of the original plan, the committee beg leave to state, that even if that plan were not as good as might have been devised, yet many disadvantages must necessarily result from leaving it unfinished. One wing was intended for female criminals; will not many difficulties arise, if the plan be abandoned? It is urged by many, that it is too extensive; but this is bare conjecture, and the legislature, who approved the plan, did not coincide with those who entertained this opinion. If there be any difference of sentiment on this point, will it not be more prudent to have the building too large, rather than risk its being too small? What would be the consequence, if more criminals should arrive than could be received? How could the sentence of the law be carried into effect? The committee are nevertheless sensible, that economy ought to be consulted; but if they were to hazard an opinion, they would assert, that the public good is more frequently sacrificed by economising, than by a prodigal use of the public money. They are of opinion, that the penitentiary can be completed with as little expense to the state at this, as at any subsequent period: there are materials on hand which must otherwise

In Senate. be sold, and there is a sufficient number of workmen ready to undertake; they therefore beg leave to submit the following resolution:

Resolved, That the wing and centre of that part of the penitentiary already erected, be prepared as speedily as possible, for the reception of criminals; that the contemplated wall be so constructed as to strike the same point as if the building were complete, and thence take such a direction as not to interfere with carrying on the original plan, which is recommended to be pursued as soon as convenient; and that the sum of twenty-five thousand dollars be appropriated for the purposes aforesaid.

Approved, 16th December, 1815.

IN SENATE, 12th December, 1815.

On motion of Mr. Charlton:

(No. 143.) The late war with Great Britain, being closed by an honourable peace, imposes upon the legislature of this state, the duty of approving the conduct of those defenders of their country who deserve it; and who have not heretofore received the tribute of applause due to their services: And in the tendering of this public expression of legislative thanks and gratitude, the General Assembly of this state are first attracted by the gallant and determined manner the late major general M^cIntosh, and the present brigadier general Blackshear, their officers and men, obeyed the call of the state, and promptly marched in the most inclement season to meet the enemy, then threatening a neighbouring territory of the United States; and with a zeal and patriotism highly honourable to this army, endeavoured to meet the foe, in despite of danger, or his discipline and superiority of numbers.

Wherefore, be it resolved unanimously by the Senate and House of Representatives of the General Assembly of the state of Georgia, That this legislature, for and in behalf of the free people of this state, tender their thanks to the said major general M^cIntosh and brigadier general Blackshear, and the brave officers and soldiers lately under their command. And whereas, during the late invasion of this state, an army was placed under the command of brigadier general John Floyd, who, as a commander of the militia of this state, had under his orders various officers, soldiers and volunteers, exerting themselves in defence of their insulted and invaded country, whose general conduct and bravery met the approbation of the said general Floyd.

Be it therefore resolved unanimously, by the authority aforesaid, That the thanks of this legislature, acting for the free people of this state, be, and the same are hereby tendered

to the said general Floyd, for his gallant and patriotic services, as also to the officers, In Senate.
soldiers and volunteers under his command, in the service lately performed in the eastern division of this state.

Be it further resolved, That copies of these resolutions be presented by his excellency the Governor, to major general M^cIntosh, brigadier general Blackshear, and to brigadier general Floyd.

Approved, 16th December, 1815.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1815.

IN THE HOUSE OF REPRESENTATIVES,
November 18th, 1815.In the House
of Represen-
tatives.

(No. 144.)

The joint committee on finance, to whom was referred the resolution (with the accompanying documents) in favour of John Sorrell, beg leave to Report, that they have had the same under their consideration, and are of opinion that his claim is founded in justice, and therefore recommend the adoption of said resolution.

WHEREAS, John Sorrell, of the county of Morgan, has regularly listed and paid his tax for the year eighteen hundred and fourteen, to the tax receiver and collector of said county, and has been returned as being in default for said tax, in the county of Greene, amounting to the sum of nine dollars and forty-eight cents.

Be it therefore resolved, That the comptroller be authorized to credit the collector of Greene county, by the same amount.

Approved, 25th November, 1815.

IN THE HOUSE OF REPRESENTATIVES,
November 17th, 1815.

(No. 145.)

RESOLVED, That his excellency the Governor be requested to lay before the legislature, as soon as may comport with his public duties, a statement of the arms, accoutrements and ammunition belonging to this state.

Approved, 25th November, 1815.

IN THE HOUSE OF REPRESENTATIVES,

November 20th, 1815.

In the House
of Represen-
tatives.

RESOLVED, That the senators and representatives of this state, in the Congress of the (No. 146.) United States, be instructed to apply for and have an act passed, to authorize the collection of duty on tonnage of ships and vessels, as a compensation to the harbour master and health officer of the port of Savannah.

Approved, 22d November, 1815.

IN THE HOUSE OF REPRESENTATIVES,

November 18th, 1815.

The joint committee on finance, to whom was referred that part of the Governor's (No. 147.) communication relative to the disbursements in the erection of works of defence around the city of Savannah, beg leave to Report, that they have minutely examined the same, and find that every item of the said account is properly vouched, and recommend the following resolution:

Resolved, That his excellency the Governor do transmit the vouchers of the sums expended, by the commissioners of the fortification around the city of Savannah, to the secretary of war, and claim payment for the same.

Approved, 25th November, 1815.

IN THE HOUSE OF REPRESENTATIVES,

November 16th, 1815.

RESOLVED, That the site of the public buildings in the county of Telfair shall be (No. 148.) called and known by the name of Jacksonville.

Approved, 25th November, 1815.

IN THE HOUSE OF REPRESENTATIVES,

November 21st, 1815.

The joint committee on finance, to whom was referred the petition of Drury Williams, (No. 149.) beg leave to Report, that they have had the same under their consideration, and are of opinion that the prayer of the petitioner is reasonable, and ought to be granted, and recommend the following resolution:

In the House
of Represen-
tatives.

Resolved, That the bond of the said Drury Williams, given for fraction No. 216, in the twenty-eighth district of Wilkinson, now Twiggs county, containing 39 acres, be given up to the said Drury Williams, on his relinquishing to the executive of this state, in behalf of said state, all right, title or claim which he now has, or ever had, to the aforesaid fraction No. 216.

Approved, 8th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,

November 25th, 1815.

- (No. 150.) The joint committee on finance, to whom was referred the petition of John Scriven, executor of Joseph Bryan, deceased, and Charles Harris, Esq. beg leave to Report, that they are of opinion the prayer of the petitioners ought not to be granted, and that the solicitor general of the eastern district be directed to proceed to the foreclosure of the mortgage, and sale of the land.

Approved, 16th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,

December 9th, 1815.

- (No. 151.) *RESOLVED*, That the sum of one hundred dollars each, be appropriated for the relief of Joel Dickson and William Boothe, as a temporary relief for wounds received by them in an expedition against the Creek Indians, under general John Floyd.

Approved, 16th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,

December 11th, 1815.

- (No. 152.) *RESOLVED*, That his excellency the Governor be, and he is hereby authorized to pay, out of the contingent fund, the amount which may be due on a settlement with Messrs. S. and F. Grantland, and Messrs. Kean and Jones, respectively, for publishing in their gazettes the rules nisi on the foreclosure of mortgages upon the Milledgeville lots, which settlement shall not take place till the expiration of the time required by law for the promulgation of such notices.

Approved, 16th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,
December 9th, 1815.

In the House
of Represen-
tatives.

RESOLVED, That the commissioners of the town of Milledgeville be, and are hereby (No. 153.) authorized to lease to the widow Fanny Jones, ten acres of land whereon the said Fanny now lives, belonging to the town commons, for the term of ten years.

Approved, 16th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,
November 24th, 1815.

The joint committee on finance, to whom was referred the petition of Elijah Swan, (No. 154.) of Lincoln county, beg leave to Report, that they have had the same under their consideration, and are of opinion :

1st. That the case of the petitioner is of that character which more properly claims the attention of the general government ; but his immediate necessities, as a citizen of this state, require prompt relief, as a reference to the documents accompanying the petition will more fully show ; they therefore recommend the following resolution :

Resolved, That the sum of one hundred dollars be appropriated for the immediate and partial relief of the aforesaid Elijah Swan.

Approved, 8th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,
December 14th, 1815.

RESOLVED, That his excellency the Governor be requested to transmit to his excellency the Governor of South Carolina, to be laid before the legislature of that state, a certified copy of a bill, passed by the General Assembly of this state, " to be entitled An act to appropriate monies for the improvement of the navigation of Savannah and Oconee rivers," as soon as the same shall receive the formalities of a law.

Approved, 16th December, 1815.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
November 25th, 1815.

- (No. 156.) The joint committee on finance, to whom was referred the petition of Adam Cope, administrator, and Frances Gugel, administratrix of Christian Gugel, deceased, late tax collector for Chatham county, for the year 1813, beg leave to Report, that from an examination in the office of the comptroller general, they find that the said Christian Gugel was charged with one-third of the fourfold tax assessed on defaulters, in the said county of Chatham, for the year 1813 aforesaid; that previous to the passage of the law which authorized the aforesaid charge of one-third, the Inferior Court of Chatham county remitted, as they were empowered to do, three-fourths of the said fourfold tax of a number of the defaulters, and the said collector had collected the remaining one-fourth from such defaulters; consequently there was a loss to said collector, of the difference between the one-third and one-fourth of the tax of certain defaulters, which difference, according to a statement accompanying said petition, and examined by the comptroller general, and found to be correct, amounts to two hundred and twenty-three dollars and ninety-six cents; they find also, that in consequence of the death of the aforesaid collector, and the length of time necessarily taken up in procuring letters of administration on his estate, that it was impossible for his administrators to close his accounts as collector, by the time the law required; consequently interest had accrued thereon, which your committee think ought to be remitted; they therefore beg leave to recommend the following resolution:

Resolved, That the sum of two hundred and twenty-three dollars and ninety-six cents be allowed on a final settlement of the general and direct tax, to the administrators of Christian Gugel, deceased, late tax collector for Chatham county for the year 1813, and that the comptroller general be directed not to charge interest on the accounts of the aforesaid collector, either for the general or direct tax.

Approved, 8th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,
November 29th, 1815.

- (No. 157.) WHEREAS, John Macpherson Berrien, Robert Walker, Young Gresham and Stephen W. Harris, Esquires, judges of the Superior Courts of this state, did, on the 13th day of January, 1815, assemble themselves together in the city of Augusta, pretending to be in legal convention, and assuming to themselves, being so assembled, the power to determine on the constitutionality of, and binding efficacy of laws passed by the General Assembly of this state; and being so assembled, did, on the aforesaid day and year, de-

clare and publish certain acts of the legislature, in their decision named, to be unconstitutional and void : And whereas, the power of said judges so to convene is absolutely denied by this legislature, and the more extraordinary power of determining upon the constitutionality of acts of the state legislature, if yielded by the General Assembly, whilst it is not given by the constitution or laws of the state, would be an abandonment of the dearest rights and liberties of the people, which we, their representatives, are bound to guard and protect inviolate :

In the House
of Represen-
tatives.

Be it therefore resolved, That the members of this General Assembly view, with deep concern and regret, the aforesaid conduct of the said judges, in so illegally assembling themselves together, at the time and place aforesaid, as well as other extrajudicial proceedings, particularly by Stephen W. Harris, judge of the Oakmulgee circuit, for issuing a mandamus, in the county of Putnam, against a justice of the peace, in order to coerce the said justice into measures so contrary to the fifth section of the third article of the constitution, creating justices' courts ; and they cannot refrain from an expression of their entire disapprobation of the power assumed by them, of determining upon the constitutionality of laws regularly passed by the General Assembly, as prescribed by the constitution of this state : we do, therefore, most solemnly declare and protest against the aforesaid assumption of powers, as exercised by the said judges ; and we do, with heartfelt sensibility, deprecate the serious and distressing consequences which followed such decision ; yet we forbear to look with severity on the past, in consequence of judicial precedents, calculated in some measure to extenuate the conduct of the judges ; and hope that, for the future, this explicit expression of public opinion will be obeyed.

Approved, 9th. December, 1815.

IN THE HOUSE OF REPRESENTATIVES,

December 15th, 1815.

RESOLVED, That his excellency the Governor be, and he is hereby authorized, to subscribe, for and on behalf of the state, for the number of shares reserved by the bill passed at the present session, establishing a state bank. And in as much as there is no appropriation of money to meet the subscription, his excellency is requested to take the best measures to meet the wishes of the legislature, and carry into effect the contract on the part of the state, and the objects of the bill ; and in case such measures cannot be taken, he is hereby requested to subscribe, at so late a period that the next legislature may have an opportunity of making the necessary appropriation, so as to avoid any difficulty that might otherwise arise.

Approved, 16th December, 1815.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
December 16th, 1815.

(No. 159.) RESOLVED, That his excellency the Governor be, and he is authorized to appoint some fit and proper person, to attend to the division of the squares of land returned to the state and informers, in consequence of fraudulent draws, with power to act in such manner as his excellency may think proper for the benefit of the state.

Approved, 16th December, 1815.

IN THE HOUSE OF REPRESENTATIVES,
December 16th, 1815.

(No. 160.) WHEREAS, it is proposed to establish a state bank, and an act is now in progression for that purpose, and hopes are entertained by the legislature that the same will go into operation previous to the next session: And whereas, it is an object of primary importance that the bills which may be issued by the said bank be in high credit, and have as extensive a circulation as possible:

Be it therefore resolved by the General Assembly, That the tax collectors, sheriffs, and all public officers of this state, are hereby authorized to receive the notes which may be issued by the Bank of the State of Georgia, in payment of taxes, and all debts or other demands due the state.

Approved, 16th December, 1815.

RESOLUTIONS,

WHICH ORIGINATED IN SENATE IN 1816.

IN SENATE, 4th December, 1816.

THE committee to whom was referred the petition of Edward Pate, respectfully Report, that they have examined the subject matter of said petition, together with the accompanying documents, and are induced to believe that the name of the petitioner was improperly returned by his guardian, for a draw in the first land lottery, in that the petitioner was not returned as an orphan, in which character he really stood.

In Senate.

(No. 161.)

The grant, of course, issued to him in his individual right, and this circumstance probably led to the recovery against him.

The fact, however, that this omission was committed by the guardian, is not proven so satisfactorily as would, in the opinion of the committee, justify the granting of the prayer of the petitioner.

To afford an opportunity for the obtainment of further proof, and to prevent, in the mean time, a sale by the state, the committee recommend the adoption of the following resolution :

Resolved, That the sale of one-half of lot No. 318, in the 4th district of Baldwin, now Morgan county, which belongs to the state, be suspended until the end of the next legislature.

Approved, 19th December, 1816.

IN SENATE, 6th December, 1816.

The committee on the state of the Republic, to whom was referred the Governor's communication to the General Assembly, upon the subject of the Oconee navigation, (No. 162.)

REPORT, That they have examined the minutes of the Oconee Association, and the account of the expenditures and receipts of the last year. The committee deem it ad-

In Senate. visable to recommend the appropriation of a sum sufficient to pay the instalments upon the shares in the state bank, purchased by the Oconee Association; *Provided*, the same are made inalienable by the said company, and placed at the disposition of the General Assembly whenever it may be deemed necessary to resume the same, and to convert it to the improvement of the navigation of other rivers; and that the additional sum of six hundred dollars be appropriated to the said Oconee Association, for the purchase of a negro man, to replace the one unfortunately drowned.

Approved, 19th December, 1816.

IN SENATE, 9th December, 1816.

(No. 163.) *Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That his excellency the Governor be, and he is hereby requested to urge the executive government of the United States, to take the necessary measures for causing the boundary line between the United States and the Spanish dominions, adjacent to Georgia, to be ascertained and marked.

Approved, 19th December, 1816.

IN SENATE, 11th December, 1816.

(No. 164.) **RESOLVED**, That the sum of ten dollars and 2½ cents be, and the same is hereby appropriated to Wilson Williams, it being a sum by him overpaid the state, through a mistake in the receiver of tax returns for Wilkinson county.

Approved, 19th December, 1816.

IN SENATE, 13th December, 1816.

(No. 165.) **RESOLVED**, That his excellency the Governor be, and he is hereby authorized and requested, to transmit to the President of the United States, the memorial and remonstrance of the present legislature on the subject of the treaty made by general Jackson with the Creek Indians, together with his views and opinion on that subject; and that he also transmit a copy thereof to each of our senators and representatives in Congress, with instructions to our senators, and a request to our representatives, to use their influence with the general government, to obtain, at as early a period as possible, an extension of settlement, by extinguishment of the Indian title to lands on either of our frontiers; and that the application be presented with energy, but with respect, and not discontinued until the just and equitable demands of the state are attended to.

Approved, 19th December, 1816.

In Senate.

IN SENATE, 16th December, 1816.

RESOLVED, That the sheriff of Effingham county be, and he is hereby authorized and (No. 166.) required, to sell a tract of land in said county, containing, by estimation, three thousand acres, which was confiscated as the property of Thomas Skinner; the sale to be on the day prescribed by law for sheriffs' sales, after giving thirty days notice, in some one of the gazettes of this state, and to the highest bidder, and paid in three annual instalments, and be well secured by bond and personal security, each instalment in ten notes of equal sums; and be equally divided among the commissioners of the academies of the several counties of Elbert, Jackson, Morgan, Jasper, Putnam, Laurens, Montgomery, Scriven, Bulloch, and Clark; and that the commissioners do appoint an agent to attend said sale, and see that said land does not sell for less than its worth, or bid off the same for the use of the academies of said counties; and that the commissioners of confiscated property do make titles to the purchaser or purchasers.

Approved, 19th December, 1816.

To his Excellency the President of the United States.

The memorial and remonstrance of the senate and house of representatives of the state of Georgia, in General Assembly met: (No. 167.)

Your memorialists beg leave to address his excellency the President of the United States, and to lay before him their views on a subject highly interesting to the people of this state, and entitled to the serious attention of the national government. This subject, to which your memorialists respectfully solicit the attention of your excellency, is the stipulation in the articles of agreement and cession, entered into on the 24th of April, 1802, between the commissioners of Georgia, and commissioners of the United States, in which the United States have pledged themselves to extinguish the Indian title to all lands within the limits of Georgia.

The citizens of Georgia, satisfied with this stipulation of the compact, and reposing great confidence in the disposition of the general government to fulfil every engagement of the United States, and particularly this, flattered themselves with the hope, that the treaty of general Jackson would have obtained a further cession of territory, and established a line with a much greater respect for the interest of Georgia, than that treaty has evinced.

In Senate.

No crisis ever presented such prospects of an advantageous extinguishment of Indian title, as the period of the treaty referred to. A severe chastisement had been inflicted on the Creeks; their power was broken—their arrogance subdued; and it only became necessary, under these circumstances, to have demanded and obtained an accession to such terms as the United States, looking to their compact with Georgia, might have thought proper to have dictated. These circumstances were not permitted, however, to have their appropriate weight of influence, and therefore the citizens of Georgia have found themselves mortified and disappointed in all the expectations they had formed of the results of this treaty. In adverting to the boundaries of the treaty, it will be readily perceived, that the two great objects, which should always have been in view, an extension of settlement and security of frontier, have been greatly, if not totally, neglected.

Your memorialists, referring to the most approved maps of the Creek nation, think these facts clearly established: That the course from the Chatahoochie, running due east, “to a point which shall intersect the line now dividing the lands claimed by the Creek nation, from those claimed by the state of Georgia,” will throw the rivers Ocmulgee and Altamaha on the left, and will strike the Georgia line a short distance, or not far below the fort formerly called “Fort-James,” and, consequently, leave the Indian title unextinguished to the narrow, but important slip of land, for the whole distance along and between the line and the river Ocmulgee.

Now, it appears to your memorialists, and after proper consideration your excellency must be convinced, that Georgia has derived little or no advantage from the establishment of this line; for, leaving out of view the sterile and unprofitable territory acquired, it can scarcely be expected, that our citizens, or emigrants from any section of the United States, would occupy a territory, having on one side the Spanish line, and the Indians between them and the settlements in Georgia. Such would be their situation, according to the line established in the treaty of general Jackson.

Your memorialists beg leave further to represent, as a just ground of complaint, that according to the treaty concluded by general Jackson, all the territory left for the use of the Creek nation of Indians, lies either within the limits of Georgia, or stretches along its western boundary. The consequence of this state of things must be obvious.

The government of the United States will now find it extremely difficult to obtain a further extinguishment of Indian title, in the very quarter where, by positive compact, they were most bound to obtain it, and have, by their own act, rendered a compliance with their solemn engagement to Georgia, distant and precarious.

Your memorialists, believing that in this treaty the interests of Georgia have been abandoned, or at least overlooked, and that she can now, or at any other period, rightfully claim of the United States a more satisfactory compliance with the stipulation of their compact, do, for and in behalf of the citizens of Georgia, protest and remonstrate against said treaty, so far as it relates to extinguishment of Indian title within the limits of said state; and do further, for and in behalf of the citizens of said state, request that measures may be taken, as speedily as circumstances will permit, to procure an additional cession of territory, and extinguishment of Indian title, conformably to the stipulation contained in the said articles of agreement and cession, entered into between the commissioners of Georgia, and of the United States.

Approved, 19th December, 1816.

IN SENATE, 16th December, 1816.

RESOLVED, That Doctor Samuel Boykin, Doctor Tomlinson Fort, Thomas H. Kenan, (No. 168.) John Howard, Zachariah Lamar, George Rootes Clayton, Edmund Booker Jenkins, Abner Hammond; and Miles Greene be, and they are hereby appointed, a board of inspectors for the penitentiary, and its appertenances.

Approved, 19th December, 1816.

IN SENATE, 16th December, 1816.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the senators in Congress be instructed, and our representatives requested, to use their endeavours with the general government, to have the port of Darien, in this state, established as a port of entry.

And be it further resolved, That his excellency the Governor be, and he is hereby requested, to transmit copies of this resolution to our said senators and representatives.

Approved, 19th December, 1816.

IN SENATE, 17th December, 1816.

RESOLVED, That the sum of ninety-two dollars be, and the same is hereby appropriated to defray the expense of the interment of the honourable George G. Nowlan, a member of senate, from the county of Effingham; and that his excellency the Governor be requested to pay the same out of the contingent fund.

Approved, 19th December, 1816.

In Senate.

IN SENATE, 23d November, 1816.

- (No. 171.) The joint committee on finance, to whom was referred the petition and accompanying documents of Jeremiah Sparks, tax collector of Morgan county, beg leave to submit the following Report: That they have taken the same into consideration, and are of opinion, that his case is such a one as requires legislative interference, and therefore recommend the following resolution:

Resolved, That his excellency the Governor be, and he is hereby authorized and required to stay all proceedings against the said Jeremiah Sparks, tax collector of Morgan county for the year 1815, so far as relates to the balance of tax due the state for said year, upon his, the said Sparks, giving bond with two good securities, for the said balance, to be approved by the Inferior Court of said county, or a majority of them, payable at the expiration of two years, not bearing interest till due, and that the comptroller be directed not to charge him interest until the expiration of two years.

Approved, 12th December, 1816.

IN SENATE, 26th November, 1816.

- (No. 172.) The select committee to whom was referred the petition of Lemuel Vickers, are of opinion that the prayer of the petitioner is reasonable, and ought to be granted; therefore respectfully submit the following resolution:

Resolved, That the commissioners of the town of Milledgeville be, and they are hereby authorized to lease, free of rent, twenty acres of cleared lands on the common of said town, for the term of two years, to Lemuel Vickers. The land, at the expiration of said term, to be left with a good enclosure or lawful fence.

Approved, 12th December, 1816.

IN SENATE, 27th November, 1816.

- (No. 173.) RESOLVED, That Seaton and Fleming Grantland have the public printing the laws and journals of this state, for the year 1816, at the same price and on the same conditions as for the preceding year.

Approved, 12th December, 1816.

In Senate.

IN SENATE, 29th November, 1816.

RESOLVED, That the adjutant general of this state be, and he is hereby required, to (No. 174.) consolidate and abbreviate the several militia laws of this state, with such amendments and additions thereto, as he may deem useful, and to report the same to the next legislature.

Approved, 12th December, 1816.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1816.

IN THE HOUSE OF REPRESENTATIVES,
14th November, 1816.

In the House
of Represen-
tatives.

(No. 175.)

WHEREAS, it is represented, that a canal or passage may be made from the Great Ogechee to the Little Ogechee river, at an expense small, when compared with the benefits which would result therefrom to the citizens of Georgia, residing upon the Great Ogechee river, in facilitating and rendering more safe, the carriage of their produce down the said river, to the city of Savannah :

Be it therefore resolved, That Sherod McCall, Benjamin Burton and Anderson Bird, Esqrs. be, and they are hereby appointed commissioners to examine the premises, and to report thereon to the next General Assembly, as to the usefulness and expense of such a work, if it should, in their opinion, be practicable.

Approved, 2d December, 1816.

IN THE HOUSE OF REPRESENTATIVES,
20th November, 1816.

(No. 176.)

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That the justices of the Inferior Courts of the several counties in this state be authorized and required to ascertain, in their respective counties, the number and circumstances of the families of those unfortunate men, whose lives were sacrificed in the defence of the United States, during the late war with Great Britain and the Indian tribes, and report to the next General Assembly, for their consideration.

Approved, 2d December, 1816.

IN THE HOUSE OF REPRESENTATIVES,

2d December, 1816.

In the House
of Represen-
tatives.

The joint committee to whom was referred the petition of a large number of the citizens of Jackson county, relative to the removal of the site of the public buildings of said county, Report : (No. 177.)

That from the respectability and number of the petitioners, they are of opinion, that the subject deserves serious consideration ; but from the flattering prospect of our early acquisition of adjoining territory, in which event, they are induced to believe, the citizens in the exterior of said county may be better accommodated by adding them to new counties, than by moving the site of the public buildings of said county: they therefore recommend, as a temporary relief of said petitioners, that the county be divided into election districts, and recommend the following resolution to be adopted :

Resolved, That William Penticost, James Wardlaw, Esq. colonel John Pittman and major Hugh Dickson, with Joseph T. Cunningham, the county surveyor, proceed to ascertain, in the most frugal and accurate manner, the centre of said county, the distance from Jefferson, and the situation of such centre, and to report to the Inferior Court of said county before the sitting of the next legislature.

Approved, 13th December, 1816.

IN THE HOUSE OF REPRESENTATIVES,

2d December, 1816.

RESOLVED, That his excellency the Governor be, and he is hereby authorized, to designate such room or rooms in the state-house, as he may think proper, for transacting the business of the Branch Bank of Milledgeville ; and that the directors of said Branch Bank be allowed to fit up, at the expense of the institution, such room or rooms, so as to render them safe and convenient for banking purposes : except the rooms assigned for the senate or representatives, or the executive, or the treasury, secretary of state's, surveyor general's, or comptroller general's office. (No. 178.)

Approved, 18th December, 1816.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
14th December, 1816.

- (No. 179.) The joint committee, appointed on the part of this house, to join such committee as might be appointed on the part of the senate, to ascertain what mode would be most beneficial to dispose of the tract of country lately acquired by the United States commissioners from the Creek Indians, with power to report by bill or otherwise, Report as follows :

Resolved, That it is the opinion of this committee, after mature deliberation, that it would be premature at this time, to dispose of the tract of country which is said to have been lately acquired from the Creek Indians by the United States commissioners, inasmuch as this committee have nothing before them evidencing the ratification of the cession of the tract of country alluded to, and also inasmuch, particularly as the boundary line between the United States and Spain, bordering on East Florida, has not been run and marked by the authority of the United States ; and furthermore, the committee, cherishing the hope that the general government will shortly procure for this state more lands adjacent to the tract of country, now the subject upon which this report is founded : they, therefore, for these and divers other considerations, beg leave to report, as their opinion, that to legislate upon this subject at the present, would be inexpedient.

Approved, 19th December, 1816.

IN THE HOUSE OF REPRESENTATIVES,
14th December, 1816.

- (No. 180.) *RESOLVED*, That his excellency the Governor be authorized to settle with T. U. P. Charlton and Charles Harris, Esquires, for their services in compiling a penal code, out of the contingent fund of the year eighteen hundred and seventeen, if the same has not been done already.

Approved, 19th December, 1816.

IN THE HOUSE OF REPRESENTATIVES,
17th December, 1816.

- (No. 181.) *RESOLVED*, That Benjamin Williams, Thomas Williams and Seaton Grantland, Esquires, be appointed a committee to join such as may be appointed on the part of senate, to see the great seal of the state affixed to such laws as may remain in the executive department at the end of the present session, and to see the journals of the two houses

brought up to the end of the session ; and that they be allowed three days after the rising of the General Assembly, for this purpose ; and that the sum of three dollars be allowed them each per day ; also the sum of four dollars each per day to the secretary of the senate and clerk of the house of representatives, and the sum of four dollars to the engrossing clerk of the house of representatives and engrossing clerk of the senate, for three days after the adjournment of the legislature.

In the House
of Represen-
tatives.

Approved, 19th December, 1816.

IN THE HOUSE OF REPRESENTATIVES,
17th December, 1816.

WHEREAS, it appears by a presentment of the grand jury of Camden county, that (No. 182.) Stephen W. Moore, of said county, was improperly double taxed for the year eighteen hundred and fifteen ; wherefore, be it

Resolved, That the tax collector of Camden county, for the year eighteen hundred and fifteen, be, and he is hereby authorized and required, to remit so much of said double tax to said Stephen W. Moore, as will reduce it to his usual or single tax ; and that the comptroller general be authorized to settle with said tax collector accordingly.

Approved, 19th December, 1816.

IN THE HOUSE OF REPRESENTATIVES,
18th December, 1816.

RESOLVED, That the executive be, and he is hereby authorized and requested, to pay (No. 183.) James Rousseau the sum of thirty-two dollars, out of the contingent fund, as a compensation for enrolling the penal code.

Approved, 19th December, 1816.

IN THE HOUSE OF REPRESENTATIVES,
18th December, 1816.

The committee to whom was referred the petition of James Lane, have had the same (No. 184.) under consideration, and are of opinion, that the petition is reasonable, and ought to be granted ; therefore offer the following resolution :

In the House
of Represen-
tatives.

Be it therefore resolved, That the said James Lane be further indulged one year, from the first day of May next, for the payment of his fractional purchases : *Provided nevertheless*, the said Lane do pay the one-half of the purchase money, and give good and sufficient security for the payment of the balance.

Approved, 19th December, 1816.

RESOLUTIONS,

WHICH ORIGINATED IN SENATE IN 1817.

IN SENATE, 10th November, 1817.

RESOLVED, That the Governor be authorized to transmit to the executive of each state and territory in the United States, a copy of the laws of this state heretofore passed, where it has not heretofore been done, and a copy of the laws of each session of the legislature which may hereafter be passed. In Senate.
(No. 185.)

Approved, 18th December, 1817.

IN SENATE, 10th November, 1817.

WHEREAS, it is represented that there is a certain portion of the militia of the state of Georgia, who were called into the service of the United States in the late war, and also many of those who furnished waggon and teams, who have not received a large portion of the wages due them for services as soldiers and for waggoning, which yet remains unpaid:

Therefore be it resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That his excellency the Governor be, and he is hereby authorized and required to call on the secretary at war, to ascertain whether or not there has been appropriation for the payment of said officers, soldiers and waggonage; and whether the proper officers of the heads of departments of the United States have received the monies, and if received, to cause an examination to take place, to know where the stoppage of payment is, and to cause the said troops and furnishers of waggon, teams, &c. to be paid, and such other steps as he may deem necessary, so as to secure speedy payment of the aforesaid sums of money.

In Senate.

And be it further resolved, That his excellency the Governor be requested to forward a copy of this resolution to the secretary of war, without delay.

Approved, 18th December, 1817.

IN SENATE, 27th November, 1817.

- (No. 187.) The committee on the state of the Republic, to whom was referred the Governor's communication relative to the public arms, Report, that they have taken the same into consideration, and recommend the following resolution :

Resolved, That his excellency the Governor be, and he is hereby authorized, to cause to be built, on any part of the public square which he may deem proper, a house of sufficient size to hold the public arms, and that he cause them to be removed to, and deposited there ; and that he is hereby requested to pursue such measures as he may deem best calculated to collect the public arms, in the different parts of the state.

Approved, 10th December, 1817.

IN SENATE, 5th December, 1817.

- (No. 188.) *RESOLVED,* That his excellency the Governor be authorized and requested to have the roof of the state-house repaired, and that he pay for the same out of the contingent fund.

Approved, 20th December, 1817.

IN SENATE, 5th December, 1817.

- (No. 189.) *Be it resolved,* That the commissioners of the town of Milledgeville be, and they are hereby authorized, to lease to Precilla Gray, for the term of six years, six acres of land lying between Wayne street and Fishing creek, on the common of the above town, including the cleared ground of the same, for her own proper use.

Approved, 20th December, 1817.

In Senate.

IN SENATE, 10th November, 1817.

The joint committee to whom was assigned the duty of contracting for the printing (No. 190.) the laws and journals of the present session,

REPORT, That they have discharged that duty, and contracted for the printing of the same with Messrs. S. & F. Grantland, on the same terms made with them the last year; and that they do agree to print and deliver the laws by the first of February next, and the journals by the first of March next.

Approved, 26th November, 1817.

IN SENATE, 6th December, 1817.

The joint committee appointed to inquire into the practicability and expediency of (No. 191.) disposing of the territory lately acquired from the Creek and Cherokee Indians, and to whom was referred the communication of his excellency the Governor, and the accompanying documents, on the subject of Indian and Spanish boundaries, Report—That it is not expedient at the present session of the legislature to make any disposition of said territory, for the following reasons, to wit:

1st. The lines between the land acquired by general Jackson of the Creek Indians and East Florida, have not been ascertained and defined.

2dly. Your committee understand that a further acquisition is about to be obtained of the Creek Indians, agreeably to a memorial and remonstrance of the last legislature.

3dly. The lines of the territory lately acquired of the Cherokee Indians are not ascertained and run, nor has the treaty last alluded to been ratified. Your committee are aware, however, of the propriety of disposing of the land and settling the territory in question as soon as practicable; they therefore recommend the following resolution:

Resolved, That his excellency the Governor be requested, on receiving information of the ratification of the treaties for the different territories lately ceded by the Creek and Cherokee Indians, or either of them, and of the time when either of the lines between the lands lately acquired of the Creek Indians and East Florida, or the lands lately acquired of the Cherokee Indians and the Creek or Cherokee Indians, to appoint fit and proper persons, not exceeding three, to attend to running of said lines, and to ascertain the true head of the Saint Mary's, on behalf of the state of Georgia, and see that the said several lines are run agreeably to the true intent and meaning of said trea-

In Senate.

ties; and that his excellency the Governor be, and he is hereby authorized and required, to have run off (as soon as may be practicable) the whole of said territory into districts of twelve miles square, or as nearly so as the situation of the country will admit of, or that he take such other measures as in his judgment will best promote the interest of the state, and the earliest disposition and settlement of said territory.

Approved, 20th December, 1817.

IN SENATE, 6th December, 1817.

(No. 192.) The committee to whom was referred the petition of the commissioners of the Warren county academy, Report, that it appears from documents submitted to their inspection, that by a deed made by N. Long and Philip Clayton, commissioners of confiscated property, bearing date the 15th November, 1794, to Samuel Alexander and others, commissioners of the Warren county academy, that they purchased a tract of land containing eight hundred acres, in Saint George's parish, Burke county, confiscated as the property of Samuel Farley, a person named in the act of confiscation and banishment; that the said tract of land so confiscated cannot be identified, and the tract of land supposed to be the one sold was granted to Charles Watson, whose executor the said Samuel Farley was, and there is no evidence can be found that Watson ever conveyed it to Farley. Your committee, for these reasons, are induced to recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the commissioners of the Warren county academy be, and they are hereby authorized, to purchase the full amount of their thousand pounds, as allowed by law, at any future sale of confiscated property: *Provided*, said commissioners shall relinquish, in legal form, (and by delivery) the deed made by N. Long and Philip Clayton, commissioners of confiscated property, to Samuel Alexander and others, commissioners of the Warren county academy, for eight hundred acres of land in Saint George's parish, (Burke county) sold as the property of Samuel Farley.

Be it further resolved, That the commissioners of academies, in the several counties in this state, who have not received the sum of one thousand pounds, out of the sales of confiscated property, for the use and benefit of their several academies, on their or any of them finding any land or lands, subject to be sold under the act of confiscation and banishment, to make return of the same to the sheriff of the county in which such land lies, and whose duty it shall be, to advertise as is customary for sheriffs' sales, and sell the same at public outcry, at the court-house of said county, to the highest bidder, payable in three annual instalments; and the proceeds of such sale shall go to the use

of the academies of the county to which such commissioner or commissioners belong, until such county or counties shall have received the full sum of which, together with what they may have previously received, will amount to one thousand pounds, and the balance, after paying all costs, to be equally divided amongst the other counties in this state, who may not have received the said sum for their several academies; and the commissioners of confiscated property be, and they are hereby authorized and required to make titles to all and any lands thus sold, to the purchasers or their order, or to the order of the sheriff.

Approved, 20th December, 1817.

IN SENATE, 11th December, 1817.

The committee on the state of the Republic, to whom was referred the communication of his excellency the Governor, relative to the disposition to be made of the sword intended to have been presented to the late lieutenant colonel Daniel Appling, of the United States' army, Report—That whereas, a former legislature, influenced by the distinguished bravery and gallant conduct of the late lieutenant colonel Daniel Appling, did authorize and direct the executive department to procure and present to that meritorious officer, a sword suited to his grade, as a grateful expression of the public approbation of his native state: but as the worthy object of her applause was removed by death before this laudable design could be carried into execution; and inasmuch as there remains no male heir, either to the fortune or honours of this deserving young soldier, into whose hands the state could commit this sacred pledge of its affection and respect; it is

Resolved, That the state will assume to itself the guardianship of the fame and military reputation of her distinguished son, the late lieutenant colonel Daniel Appling, and that the sword intended by her, as the just reward of his military achievements, be deposited in the executive chamber, there to be preserved and exhibited as a lasting monument of his fame, and a grateful proof of the sensibility with which Georgia cherishes the recollection of the patriotic services of her citizens..

Approved, 20th December, 1817.

IN SENATE, 11th December, 1817.

RESOLVED, That his excellency the Governor be, and he is hereby requested to direct (No. 194.) the proper officers to collect, without further delay, all monies that are now due to the state on account of fractional sales or town lots in Milledgeville.

In Senate.

Resolved, That it shall be the duty of the several clerks of this state, in whose offices said executions may be at this time, forthwith to deliver said executions to the sheriff of the county; and it shall be the duty of the said sheriffs respectively, to proceed immediately to the collection of said executions, notwithstanding the property of the defendant may not be pointed out to him by the solicitor general in behalf of the state.

Approved, 20th December, 1817.

IN SENATE, 11th December, 1817.

(No. 195.) **RESOLVED**, That the report directing the disposition of the sword intended for lieutenant colonel Daniel Appling, be placed in a suitable frame, and be hung up with the sword in the executive chamber.

Approved, 20th December, 1817.

IN SENATE, 13th December, 1817.

(No. 196.) **RESOLVED**, That his excellency the Governor be, and he is hereby requested to transmit to our senators and representatives in Congress, a copy of an act passed at the present session of the legislature, to establish the fees of the harbour master and health officer for the port of Darien, with a request that they would endeavour to get an act of Congress passed to carry the same act into effect.

Approved, 20th December, 1817.

IN SENATE, 16th December, 1817.

(No. 197.) **RESOLVED**, That his excellency the Governor be, and he is hereby authorized and requested to have blinds put to the windows in the senate and representative chambers, similar to those in the executive chamber.

Approved, 20th December, 1817.

IN SENATE, 16th December, 1817.

(No. 198.) **WHEREAS**, the legislature of the state of Tennessee have, by an act passed the 10th of November last, authorized and empowered the Governor of that state to appoint a mathematician and commissioner, to meet such persons as may be appointed by and on the behalf of Georgia, to ascertain, run, and cause to be marked, the boundary line be-

tween the aforesaid states : And whereas, the correct ascertainment and lawful establishment of such line will greatly tend to the promotion of harmony between the states of Tennessee and Georgia, by the prevention of such disputes as may arise from the settlement of individuals on or near the aforesaid line, under the authority of either of them :

In Senate.

It is therefore resolved, That his excellency the Governor be, and he is hereby fully authorized and empowered to appoint a mathematician, commissioner and surveyor to act for and on behalf of this state ; and which mathematician and commissioner shall have authority, under the directions of the Governor, to proceed, in conjunction with the mathematician and commissioner appointed by the state of Tennessee, to ascertain, run, and cause to be marked, plainly and distinctly, the boundary line between the two states. And whenever the said mathematician and commissioner are ready to proceed to the execution of the trust hereby reposed in them, it shall and may be lawful for them to select and employ as many chain-carriers and markers as may be necessary to be employed on the part of this state ; and that it shall be the duty of the said mathematician and commissioner, whenever they shall have ascertained, run, and caused to be plainly marked, the aforesaid boundary line, to make a faithful report of their proceedings to his excellency the Governor, together with the number of days and persons engaged in this business.

And it is further resolved, That the mathematician, commissioner and surveyor, appointed under the authority of this state, shall each receive the sum of five dollars for each day he shall have been engaged in discharge of his duties herein before assigned him, and a like sum for every twenty-five miles in going to the point of beginning, and in returning from the point of termination ; and that the chain-carriers and markers employed for this service, shall each, for every day employed on the line, and for every day taken up in travelling to and from such line, be entitled to and receive the sum of one dollar and fifty cents ; and that his excellency the Governor be, and he is hereby authorized, to draw upon the contingent fund, for any sum that may be found necessary to defray the expenses of this service.

Approved, 20th December, 1817.

IN SENATE, 16th December, 1817.

RESOLVED, That Messrs. Holt, Mathews and Hatcher, be a committee to see the unfinished business of the senate completed, and that they be allowed three days after the adjournment of the legislature to do the same. (No. 199.)

Approved, 20th December, 1817.

In Senate.

IN SENATE, 17th December, 1817.

- (No. 200.) RESOLVED, That his excellency the Governor be requested to pay, out of the contingent fund, to the commissioners of the penitentiary edifice, at and after the rate of one hundred dollars each year, for the services they have rendered in superintending the same.

Approved, 20th December, 1817.

IN SENATE, 18th December, 1817.

- (No. 201.) RESOLVED, That John Bolton, Walter Leigh and Reuben Wilkinson be, and they are hereby appointed commissioners for the improvement of the navigation of the Savannah river, from Augusta down, and they are hereby authorized to receive all money appropriated by the legislature for that purpose.

Approved, 20th December, 1817.

IN SENATE, 18th December, 1817.

- (No. 202.) RESOLVED, That the secretary of senate be allowed to employ an extra clerk to enrol bills and resolutions that are and may pass during the remainder of the session, and that he allow a reasonable compensation, to be paid out of the contingent fund.

Approved, 20th December, 1817.

IN SENATE, 18th December, 1817.

- (No. 203.) RESOLVED, That his excellency the Governor be, and he is hereby requested, so soon as he may deem it expedient, to transmit to the executive of the state of South Carolina, a copy of a bill appropriating money for the internal navigation of this state.

Approved, 20th December, 1817.

IN SENATE, 19th December, 1817.

- (No. 204.) RESOLVED, That his excellency the Governor be requested to cause to be immediately compiled, digested, and printed in pamphlet form, the several patrol laws of this

state, now in force ; and that he be further requested to forward them to each of the In Senate.
counties in this state, with the laws and journals, in order to have them distributed
among the several captains commanding companies of militia in this state ; and that he
pay the same out of the contingent fund.

Approved, 20th December, 1817.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1817.

IN THE HOUSE OF REPRESENTATIVES,
15th November, 1817.

In the House
of Represen-
tatives.

(No. 205.)

THE committee appointed to ascertain whether it would be advisable for the state to take such part of the increased capital of the Bank of Augusta, as is reserved to her, according to the act of incorporation, have had the same under consideration, and

REPORT, That in their opinion, it would be sound policy for the state to take the part reserved to her; they therefore beg leave to submit the following resolution:

Resolved, That his excellency the Governor be, and he is hereby authorized and requested to subscribe, for and in the name of this state, for such part of the increased capital of the Bank of Augusta, as is reserved to her in the act of incorporation.

Approved, 19th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,
17th November, 1817.

(No. 206.)

WHEREAS, by the tax acts, it was required of the owners of land in this state, who resided out of the same, to return by their agent such land in the counties where the land lay, and which requisition has not been complied with by many agents, through inadvertence, or ignorance of such acts, but the land of absentees has, in many cases, been returned, in the county where the agent resided, and the tax for the same paid in such county:

And whereas, the inconvenience and confusion arising from the said acts, were made evident to the legislature at their last session, and a law was then passed, making it "lawful for any agent to return any property to the receiver of tax returns, and pay the taxes due thereon to the tax collector of the county in which such agent resides:"

Be it therefore resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That lands heretofore returned in the county where the agent of the absent owner resides, and on which land the taxes have been justly and bona fide paid to the tax collector, such payment shall be a discharge of such taxes, though not paid in the county where the land lies : *Provided*, that such defaulters do pay all necessary expenses which may have accrued for assessing and advertising such land, and all commissions due for the collection of the same ; and that the comptroller general shall have power to relieve, in all cases where the taxes have been justly paid, and the state in no wise defrauded of the same.

In the House
of Represen-
tatives.

Approved, 3d December, 1817.

IN THE HOUSE OF REPRESENTATIVES,

27th November, 1817.

RESOLVED, That the attorney and solicitors general of this state, be requested to ascertain whether any, and if any, which of the clerks of the courts of ordinary of their respective circuits, have in their hands money or property, which by the escheat laws belongs to the state, and that they make report thereof to the next General Assembly. (No. 207.)

Approved, 3d December, 1817.

IN THE HOUSE OF REPRESENTATIVES,

16th December, 1817.

The committee on the state of the Republic, to whom was referred the several resolutions, from the state of North Carolina, New Jersey, &c. Report the following resolution, to wit: (No. 208.)

Resolved, That it is inexpedient to amend the constitution of the United States as it regards the choosing representatives in the Congress of the United States ; and also as it regards the mode of appointing electors of President and Vice-President of the United States, in manner proposed by the General Assembly of North Carolina ; and that his excellency the Governor be requested to forward a copy of this resolution to the executives of the several states.

Approved, 20th December, 1817.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
16th December, 1817.

(No. 209.) *Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That the amendment to the constitution of the United States, proposed by the General Assembly of the commonwealth of Kentucky, in the following words: "No law varying the compensation of members of the Congress of the United States, shall take effect until the time for which the members of the house of representatives of that Congress by which the law was passed, shall have expired," meets the cordial approbation of the representatives of the freemen of Georgia.

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their best endeavours to obtain such an amendment to the constitution of the United States.

Resolved, That his excellency the Governor be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in the Congress of the United States.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,
16th December, 1817.

(No. 210.) **RESOLVED,** That Jonathan Robinson, Andrew Bird, and Robert Burton be, and they are hereby appointed commissioners for the river Ogechee.

Approved, 19th December, 1817.

(No. 211.) *Resolved,* That John Howard and Thomas Moore be, and they are hereby appointed commissioners of that part of the Oconee river, extending from the Altamaha to opposite Milledgeville, in addition to those already appointed.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,
17th December, 1817.

(No. 212.) **RESOLVED,** That as a testimony of respect to the memory of the honourable George G. Nowlan, late a member of the senate, from the county of Effingham, his excellency the

Governor be, and he is hereby authorized and requested to have his grave enclosed in a decent manner, and that he pay for the same out of the contingent fund.

In the House
of Represen-
tatives.

And that, as a testimony of respect to the memory of Walter Drane, Esq. late a member of the house of representatives from the county of Columbia, his excellency the Governor be, and he is hereby authorized and requested, to have his grave enclosed in a decent manner, and that he pay the same out of the contingent fund.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,

18th December, 1817.

The committee appointed to inquire into the expediency of selling the claim of the (No. 213.) state to confiscated property, with leave to report by bill or otherwise, beg leave to submit the following Report, to wit :

That taking into view the situation in which the state is placed, with regard to the fund arising from the sales of confiscated property, the difficulty of obtaining the necessary testimony to establish her just rights, and the length of time that may elapse before she may reduce the whole of her claims on confiscated property into actual possession ; they are induced to believe, that if the whole claim could be disposed of for a reasonable sum, that it would be the interest of the state to do so, and beg leave to recommend the following resolution, to wit :

Resolved, That his excellency the Governor be, and he is hereby authorized to receive sealed proposals for the whole or any part of the claim of the state to confiscated property, until the first Monday in November next, and that his excellency advertise the same once a month for six months in the Georgia Journal and Savannah Republican ; and it is hereby made the duty of his excellency, to lay the said proposals (if any) before the next General Assembly of this state.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,

18th December, 1817.

RESOLVED, That James S. Bradwell, White Rosseter, and Hugh Brown, Esquires, (No. 214.) be, and they are hereby appointed a committee to join such committee as may be appointed on the part of senate, to see the great seal of the state affixed to such laws as

In the House
of Represen-
tatives.

may remain in the executive department at the end of the present session, and to see the journals of the two houses brought up to the end of the session; that they be allowed three days after the rising of the General Assembly for this purpose, and that they be allowed three dollars each per day;—also, the sum of four dollars each per day, to the secretary of the senate and clerk of the house of representatives, and engrossing clerk of the house of representatives, and engrossing clerk of the senate, for three days after the adjournment of the legislature.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,
18th December, 1817.

(No. 215.) RESOLVED, That his excellency the Governor be, and he is hereby requested, to cause such alterations to be made in the representative chamber, as he may deem proper, for the accommodation of the additional members of the next legislature, and to defray the expenses of the same out of the contingent fund.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,
19th December, 1817.

(No. 216.) The committee on finance, to whom was referred the petition of Richard Winn, praying for compensation for a certain bounty warrant issued in the name of James Cox—Report, that they have examined it, and the vouchers accompanying the same, and are of opinion, that the same is just and reasonable, and recommend the following resolution:

Resolved, That the comptroller general be, and he is hereby authorized and required, to renew a state troop bounty warrant, bearing date the ninth day of February, seventeen hundred and ninety, in the name of James Cox, for the use of Richard Winn.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,
19th December, 1817.

(No. 217.) The committee appointed to inquire whether any, and if any, who of the issuers of change-bills, have failed to make returns or pay the penalty, agreeably to the laws in such cases made and provided, have performed the duty, and

REPORT, That they made out, from the best information in their power, a list of the names of the issuers, and the counties in which they lived, and furnished the comptroller general with the same, which is hereunto annexed, marked "A." From the particular attention of the comptroller, the committee have had it in their power to lay before the house his statement, marked "B," at an earlier period than they contemplated; the committee think it more than probable, that the sums of money of the issuers have been omitted, but they hope that time will correct any error that has been made. From the statement exhibited, it appears, that in the county of Richmond, the defaulters for the years eighteen hundred and sixteen and eighteen hundred and seventeen, are Lafitte & Co. the Corporation of Augusta, Corly & Dickerson, Joel F. Randolph, M^cWharter & Williams, Dark & Matheson, Benjamin Moore, and Jeriah Gray; in Columbia, Jeremiah Reace, Washington Stone, eighteen hundred and sixteen and seventeen; in Oglethorpe, Howard Beall, cashier, and John Moore, president, of the Ready Money Company, and Thomas Rhodes, 1816 and 1817; in Elbert, William Woods and Archibald Stokes; in Clark, Moss & Easley; in Greene, James A. Young; the digest for Putnam, for 1817, has not been received: Mr. M^cKenzie is a defaulter in said county, for 1816 and 1817; in Baldwin, all the issuers, nine in number, are in default for 1816 and 1817, to wit: J. & W. Lucas, John Boon, Zachariah Lamar, Timothy Bruen, now in Pulaski county, Chapman & Jackson, and Chapman, since the partnership dissolved, Isaac Bower, Mathews and Burt, and Frederick Sanford; in Jasper, N. Hascall, and James Richards, for 1816 and 1817; in Wilkinson, Robert Johnson, Adam Hunter, and E. Barker; in Hancock, all the issuers are defaulters, five in number, for 1816 and 1817, to wit: William Springer, Jacob P. Turner, Jonathan Davis, Sledge & Turner, and Hugh Taylor; in Chatham, the Corporation of Savannah, for 1816 and 1817, P. H. & T. Crapon, and many others, whose names they cannot now ascertain; in Jones, Zachariah Booth, for 1816 and 1817; in Warren, James Lawless and John Butt; in Pulaski, Took & Smith, J. Hand, and R. Moreland.

In the House
of Represen-
tatives.

The committee further state, that an error made by the receiver of Richmond county, in the return of M^cKinne & Shultz, of four hundred dollars, has been very lately corrected, though the mistake is not attributable to Messrs. M^cKinne & Shultz.

The committee further state, that many who have returned for eighteen hundred and sixteen have not for eighteen hundred and seventeen, and some who have for eighteen hundred and seventeen have not for eighteen hundred and sixteen, which fully appears by the comptroller's statement marked "B." It is possible, from the nature of the subject, that some have been mentioned as defaulters who may not be, and the committee would be gratified for any mistake to be corrected. They recommend the adoption of the following resolution:

In the House
of Represen-
tatives.

Resolved, That the collectors of the respective counties in this state, in which the issuers of change-bills reside, or may have resided, at the time of issuing, be, and they are hereby required, to make diligent inquiry, in order to ascertain the defaulters for eighteen hundred and sixteen and eighteen hundred and seventeen, and also, those who have failed to return in either of those years, and that they take the legal steps to collect, in due time, the penalty of five hundred dollars, as prescribed by the laws now in force in this state.

And be it further resolved, That his excellency the Governor be, and he is hereby required, to forward to the collectors of the respective counties, the names of the defaulters in the county in which such collectors reside, or have the same published in one or more of the public newspapers of this state, at his discretion.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,

19th December, 1817.

(No. 218.) WHEREAS, there is now in the treasury, as appears by the treasurer's abstract submitted to this legislature, a number of the evidences of the debts due by this state, which have been presented at the treasury and paid off, to wit: Governors', Presidents' and Speakers' warrants, paper medium, state troop bounty warrants, &c. &c.

And whereas, the aforesaid papers are of no use to the state, but an incumbrance to the treasury department, and it is usual at stated periods to have them burnt, and none having been so destroyed since the end of the political year 1813:

Resolved, That the treasurer do cause three fair and accurate lists of said papers to be made out, one to be deposited in the executive, one in the comptroller general's, and one in the treasury office; and so soon as said lists shall have been completed, that his excellency the Governor, with the comptroller general and treasurer, shall, after carefully examining the same with the aforesaid papers, cause said papers to be burnt; and that his excellency the Governor cause the expense of making out the aforesaid lists to be paid for out of the contingent fund.

Approved, 20th December, 1817.

IN THE HOUSE OF REPRESENTATIVES,

19th December, 1817.

In the House
of Represen-
tatives.

The committee on finance, to whom was referred a report of a committee appointed (No. 219.) to wait on the treasurer of the state, to ascertain if any, and what amount, of money has been paid by colonel Jones, late solicitor of the Ocmulgee district, into the branch bank of this state, at this place, for safe keeping, as belonging to the state for fractional purchases; and a resolution authorizing them, if they should deem it expedient, to call for persons and papers in regard to said report; having duly considered the subject, and having made the necessary inquiries, Report—That they have not confined themselves strictly to the subject matter of the aforesaid reference, but have called upon the treasurer and upon the late solicitor for reports generally, as to the amount of bonds put into the hands of the deceased solicitor general, colonel Bedney Franklin, for collection, and also the amounts thereon collected, and paid into the treasury by the said colonel Franklin, and by the late solicitor, colonel Seaborn Jones, and have ascertained that bonds were placed in the hands of colonel B. Franklin, deceased, exclusive of interest, amounting to \$ 177,909 64½

Upon which has been paid by col. Franklin, and other persons for him, 69,332 94½

By colonel Jones, late solicitor, 42,451 41

As will more fully appear, reference being had to the treasurer's and colonel Jones's reports.

It appears by the treasurer's report of the third instant, that there was deposited in the branch bank at this place, to the credit of colonel Jones, \$ 22,704 06

And a sealed packet, deposited by him, said to contain 2,100 00

Making the sum of \$ 24,804 06

And that on the 9th and 10th instant, the said colonel Jones paid

into the treasury, \$ 20,874 38

Which he says is all the money received by him on account of the state debts, (errors excepted) besides five per cent. retained by him upon the amount collected, subject to the future determination of the legislature.

The committee on finance, believing that it would be satisfactory, have made the foregoing statement of facts, supported by the accompanying documents, which they wish to be received as a part of this report.

It is impossible for the committee of finance to say whether the late solicitors have paid over to the treasury all the money collected by them for the state, and therefore recommend the adoption of the following resolution:

In the House
of Represen-
tatives.

Resolved, That the present solicitor of the Ocmulgee district be, and he is hereby required, to inquire and report to the Governor the amount which has been received of public money, by the late solicitors, Bedney Franklin and colonel Seaborn Jones, from the bonds placed in their hands for collection.

Approved, 20th December, 1817.

RESOLUTIONS,

WHICH ORIGINATED IN SENATE IN 1818.

IN SENATE, 9th November, 1818.

WHEREAS, it tends greatly to promote harmony between the citizens of sister states, to have their boundary lines ascertained, run and plainly marked ; and whereas, a considerable part of the dividing line between this state and North Carolina remains undefined by any artificial line so run and marked :

In Senate.

(No. 220.)

Be it therefore resolved, That his excellency the Governor do appoint fit and proper persons, not exceeding three, on the part of the state of Georgia, to meet such as may be appointed by the state of North Carolina ; which said commissioners shall, under direction of the Governor, meet, and, in conjunction with such as may be appointed by North Carolina, ascertain, run and plainly mark, the dividing line between the states of North Carolina and Georgia ; and whenever the said commissioners are ready to proceed to the execution of the trust reposed in them, it shall be lawful for them to employ as many chain and axe-men as may be necessary on the part of Georgia, to assist in measuring and marking the same ; and it shall be the duty of the said commissioners, whenever they have performed the duties aforesaid, to make a faithful report of their proceedings to his excellency the Governor, together with the number of persons and days employed in the above business.

Resolved, That the said commissioners aforesaid, be allowed and paid by his excellency the Governor, out of the contingent fund for the year 1819, the same wages and emoluments that were allowed and paid to commissioners, mathematician and surveyor, for running the dividing line between this state and Tennessee ; and the chain and axe-men each the same wages as were allowed and paid in that case.

And be it further resolved, That his excellency the Governor do transmit to the Governor of North Carolina the above resolution, with a request that he would lay the same before the legislature of that state ; and also request that proper persons be appointed on their part, for the ascertainment, running and marking the dividing line between the two states ; and that he take such other steps as he may deem necessary for speedily and satisfactorily settling the same.

Approved, 13th November, 1818.

In Senate.

IN SENATE, 17th November, 1818.

- (No. 221.) RESOLVED, That his excellency the Governor be, and he is hereby authorized and empowered to appoint three fit and proper persons, carefully to examine, survey, and report to the next legislature, the practicability, the distance, depth, and probable expense, of cutting a canal, from the river Altamaha to Turtle and Sappalo rivers, particularly designating the points on each river, and the course or courses from the one point to the other, and generally any other information on the subject that they may obtain.

Approved, 19th December, 1818.

IN SENATE, 25th November, 1818.

- (No. 222.) RESOLVED, That his excellency the Governor be requested to make application to the general government to have an armed force stationed on the southern frontier, west of the Ocafenoke, sufficient to give security to the surveyors and settlers of that section of the country, or, if he should deem it expedient, to call out the militia in such number as may in his judgment be best calculated to effect that object.

Approved, 19th December, 1818.

IN SENATE, 28th November, 1818.

- (No. 223.) RESOLVED, That Jonathan Robinson, Andrew Bird, and Robert Burton, Esquires, be, and they are hereby appointed commissioners to carry into effect the opening the Skideway Narrows, between Ogechee and Savannah rivers; and the said commissioners are hereby authorized to receive such monies as have been appropriated for the navigation of Ogechee.

Approved, 19th December, 1818.

IN SENATE, 3d December, 1818.

- (No. 224.) The joint committee to contract for printing the laws, journals and concurred resolutions, Report, that they received proposals from Messrs. Grantlands, proposing to do it on the same terms they done it last year; they therefore recommend the following resolution:

Resolved, That Messrs. S. & F. Grantland have the printing of the laws, journals, In Senate. and concurred resolutions, of the present session.

Approved, 19th December, 1818.

IN SENATE, 3d December, 1818.

The committee to whom was referred the petition of Jeremiah Sparks, tax collector (No. 225.) for Morgan county, Report, that they have had the same under consideration, and are of opinion that it is reasonable, and ought to be granted; and therefore recommend the following resolution, to wit:

Resolved, That the comptroller general be authorized and directed to place to the credit of Jeremiah Sparks, tax collector for Morgan county, for the year eighteen hundred and fifteen, the sum of three hundred and eleven dollars seventy-nine cents, it being the balance of what was stolen from him the said Jeremiah, and yet due the state.

Approved, 19th December, 1818.

IN SENATE, 3d December, 1818.

The joint committee to whom was referred the claims of the estate of colonel Bedney (No. 226.) Franklin, for his services as solicitor general, beg leave to submit the following Report: That having examined, as far as their limited powers would admit of, the said claim or demand, are of opinion, that it is impossible, from the present circumstances of the case, to arrive at certainty in ascertaining the amount of judgments obtained by said colonel Franklin, and which he had not collected at the time of his death; they therefore think proper to recommend the adoption of the following resolution:

Resolved, That the treasurer be, and he is hereby directed to pay over, or to allow, as the case may justify, on a settlement with the executors of the estate of the late colonel Bedney Franklin, to and for the use of the said estate, the amount of five per centum on the amount actually collected and paid over to the treasurer, either by himself or any other person for him; and the further sum of three per centum on the whole sum, or amount of judgments obtained by the said Bedney Franklin, which were not collected by him, whether the same have been since collected or not, and the further sum of one per centum on the whole amount of claims which the said Bedney Franklin instituted actions on, and which he did not reduce to judgment, except the action

In Senate. against John Scott and Jett Thomas, to recover back money paid for building the state-house, which shall be in full of all services rendered by him to the state as aforesaid.
Approved, 19th December, 1818.

IN SENATE, 5th December, 1818.

(No. 227.) The committee on the state of the Republic, to whom was referred the memorial of colonel John Burnett, Report, that they consider his claim, and all others of a similar nature, to be based upon the broad principles of equity and justice; that to them it is a subject of serious regret, to discover that the provisions of the treaty of New-York and Colerain have never been carried into effect, that the memorialist, and all other claimants, have no other prospect of indemnity than by an enforcement of the respective treaties; your committee therefore report the following resolutions:

Resolved, That his excellency the Governor be, and he is hereby required to appoint three fit and proper persons, who shall, under the direction of the President of the United States, repair to the Creek nation, and demand the surrender of the property claimed by citizens of this state, in terms of the third article of the treaty of New-York, and the seventh article of the treaty of Colerain.

Resolved, That his excellency the Governor be requested to open a correspondence with the President of the United States, through the proper department, stating to him the non-fulfilment of the above articles of the several treaties, and to name to him the persons appointed, on the part of this state, to claim this property, and requesting his directions for their government, in conformity to the requisitions of the treaties.

Resolved, That all persons claiming property under the provisions of the several treaties, be called upon in such manner as the Governor may think will best promote the object, to forward to the persons appointed to claim the same, a statement of their respective [claims,] and to be prepared to substantiate or identify, as the case may require: *Provided nevertheless*, that nothing herein contained shall extend to, or be construed to amount to an assumption on the part of this state, or to subject or render liable the government thereof to the payment of any claim or claims, which may have been, or may be hereafter exhibited, under and by virtue of the aforesaid resolution.

Approved, 19th December, 1818.

In Senate.

IN SENATE, 12th December, 1818.

RESOLVED, That his excellency the Governor be requested to appoint two fit and proper persons, to proceed without delay to ascertain the true head of the St. Mary's river, and if it shall appear that the mound thrown up by Mr. Ellicott and the Spanish deputation is not at the place set forth in the treaty with Spain, that they make a special report of the facts to the Governor, who shall thereupon communicate the same to the President of the United States, accompanied with a request that the lines may be run agreeable to the true intent and meaning of the aforesaid treaty. (No. 228.)

And it is further resolved, That the Governor order out a suitable detachment of militia, to protect the said commissioners in the performance of their duty.

Approved, 19th December, 1818.

IN SENATE, 14th December, 1818.

RESOLVED, That his excellency the Governor be, and he is hereby authorized and requested, to have all the laws respecting executors, administrators and guardians, now in force in this state, compiled in one pamphlet, and send one copy to each clerk of the court of ordinary, for the benefit of the courts of ordinary. (No. 229.)

Approved, 19th December, 1818.

IN SENATE, 14th December, 1818.

RESOLVED, That the committee appointed to contract for the printing of the laws and journals, be authorized to have printed immediately, as many copies of the land bill as will furnish each senator with five copies, and one for each member of the house of representatives, to carry home with them, in order that each county may know how to comply with the requisites of said law, within the time prescribed. (No. 230.)

Read and approved, 19th December, 1818.

IN SENATE, 16th December, 1818.

RESOLVED, That his excellency the Governor is hereby authorized to subscribe for five thousand shares, out of the stock reserved in the Bank of Darien, for the state. (No. 231.)

Read and approved, 17th December, 1818.

In Senate.

IN SENATE, 16th December, 1818.

- (No. 232.) RESOLVED, That general John McIntosh, Thomas Spalding, Scott Cray, James Dunwoody, and Doctor James Troup, be, and they are hereby appointed directors of the Bank of Darien, on the part of this state, until the election of their successors by the next legislature.

Approved, 17th December, 1818.

IN SENATE, 17th December, 1818.

- (No. 233.) The committee to whom was referred the petition of James Brabin, are now ready to Report:

Your committee have had the same under consideration, and think the prayer of James Brabin is reasonable, and ought to be noticed by the friends of humanity:

Therefore be it resolved, That the sum of fifty dollars be allowed to the petitioner, for the marked, humane and particular care, manifested by him towards Solomon Kidd, formerly a private in the militia detached from the state of Georgia, to march against the Seminole Indians, on his return, and during his illness.

Approved, 19th December, 1818.

IN SENATE, 18th December, 1818.

- (No. 234.) RESOLVED, That James Nephew, sen. and Roswell King, sen. Esquires, be, and they are hereby appointed commissioners of the river Altamaha, in addition to those already appointed.

Approved, 19th December, 1811.

IN SENATE, 18th December, 1818.

- (No. 235.) WHEREAS, John Slassar, who was convicted of the crime of murder, in the Superior Court of Effingham county, in November term last, has petitioned the legislature of the state of Georgia to extend mercy to, and release him from the awful demands of the violated laws, which petition, though accompanied by an exemplification of the indictment, trial and sentence, of the said John Slassar, was unattended by an abstract or transcript of the testimony adduced on the trial, or any testimony by which the legislature can deter-

mine the claims the said John Slassar may have on its clemency or mercy ; and whereas, by a resort to said testimony, the said John Slassar might be properly acknowledged an object of mercy ; therefore, lest it should appear, when proof would be unavailing, that the divine attribute of mercy ought to have been exercised towards an unfortunate fellow man, and to afford an opportunity to the said John Slassar of exhibiting a transcript of the evidence adduced on his said trial, with a view to the obtainment of a pardon of the crime of which he is convicted :

In Senate.

Be it resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That his excellency the Governor be, and he is hereby requested, to respite the execution of the said John Slassar, until thirty days after the next legislature shall convene in its annual session.

Approved, 19th December, 1818.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1818.

IN THE HOUSE OF REPRESENTATIVES,

13th November, 1818.

In the House
of Represen-
tatives.

RESOLVED, That the joint military and land committees be, and they are hereby authorized to employ clerks to said committees.

(No. 236.)

Approved, 24th November.

IN THE HOUSE OF REPRESENTATIVES,

16th November, 1818.

(No. 237.) The committee, to whom was referred the communication of his excellency the Governor, relative to the importation of African slaves into this state:

REPORT, That on investigating the subject committed to them, it appears that upwards of three hundred African slaves were brought into the port of Savannah, and from the want of regularity and legality in the proceedings of the district court, have been distributed and scattered in the hands of various persons through the state, the persons holding the said slaves having given bonds for their forthcoming, in sums so small in relation to the value of such slaves, that it is generally believed, a forfeiture of the bonds is contemplated as a compliance of the conditions thereof, and thereby an idea has prevailed, that the said slaves would become the property of the individuals so bonding them; a speculation which your committee considers as highly illegal, and in direct violation of the laws of the United States, as they are decidedly of opinion, that the appraisement and bonding of this species of property were not sanctioned by any law of Congress relative to slaves.

Your committee further Report, that if the said negroes have been illegally imported into this state, they by forfeiture specifically belong to, and ought to be at the disposal of the state. Your committee, however, are not unacquainted with certain claims in-

stituted in the court of admiralty for the restoration of these slaves, as illegally captured from their original owners, said to be Spanish or Portuguese subjects. These claims, being before a respectable tribunal, it does not become your committee to examine into their merits, however fraudulent or suspicious they might appear.

In the House
of Represen-
tatives.

Your committee, however, beg leave earnestly to recommend, that the Governor be immediately requested to apply to the solicitor general of the eastern district, to make the state a party in the admiralty court, in all cases relative to these negroes, and there claim the forfeiture of said negroes, and their delivery, by final decree, to the agent of the state, as required by act of Congress, and that the said solicitor general do immediately apply for the forthcoming of the said slaves, and have them placed in the custody of the law, and under the immediate direction and control of the court, and specifically subject to its order, either by placing said negroes in the hands of the martial, or agent of the state, or by compelling their forthcoming at any time, by new, additional and good security, if this can be done consistently with the rules and practice of the courts of admiralty in like cases.

Your committee further recommend, that additional counsel be employed by the Governor, to support the right of the state; and that all and every expense necessary to carry these resolutions into effect, be advanced by his excellency out of the contingent fund.

Your committee further recommend, that the Governor do communicate these resolutions to the executive of the United States, and request the aid and energy of the federal arm, to carry on prosecutions against all persons in any way connected in this traffic, or who may have violated the laws of the United States, by holding, selling or disposing of any of the African slaves lately introduced into this state.

Your committee, under these impressions, respectfully submit the following resolutions: That the Governor be immediately requested to take the necessary and legal steps for enforcing the claim of the state to the forfeiture of said slaves, and to take them out of the hands of those by whom they have been thus illegally bonded, and place them under the immediate eye of the court, or take additional bonds to his excellency the Governor, with good security, in the sum of at least eight hundred dollars, for the delivery of each of said negroes when thereunto required.

Resolved, That additional counsel be employed by the Governor, to support the right of the state, and that all expenses necessary to carry these resolutions into effect, be advanced by the Governor, out of the contingent fund.

In the House
of Represen-
tatives.

Resolved, That his excellency do communicate these resolutions to the executive of the United States, and request the prosecution of every person, in any way connected in this traffic, or who may have violated the laws of the United States, by importing, holding, selling or disposing, of any of the African slaves lately introduced into this state.

Approved, 8th December, 1818.

IN THE HOUSE OF REPRESENTATIVES,

26th November, 1818.

(No. 238.) The committee to whom was referred the petition of John M^cKinne and Henry Shultz, Report :

That they have had the same under consideration, and are of opinion, that by the tax law of eighteen hundred and seventeen, that is was only intended by that legislature, that the said John M^cKinne and Henry Shultz are liable to pay the tax of two and one half per cent. on the amount of unchartered bills, issued by them, and which were, or should be in circulation on the first day of January, eighteen hundred and eighteen; and your committee are further of opinion, that the tax law aforesaid, which imposed a tax of thirty-one and one quarter cents, on the amount of bills issued, and which were in circulation during the political year eighteen hundred and eighteen, at any office of discount and deposit in this state, was only intended to apply to any branch banks, which were, or might be established in this state, by the Bank of the United States; and that any or all banks which were chartered by this state, or the United States, were alone subject to the payment of this tax of thirty-one and one quarter cents, on each hundred dollars so issued by them, and which might be in circulation during that period; your committee cannot hesitate in believing, that the legislature of eighteen hundred and seventeen, did not intend that the petitioners should be subjected to the payment of a double tax on the bills issued by them; and it appearing to this committee, that the petitioners have actually paid the tax of two and one half per cent. on all bills issued by them, or which were in circulation on the first of January, eighteen hundred and eighteen; they therefore recommend the adoption of the following resolution :

Resolved, That as the said John M Kinne and Henry Shultz have paid the tax of two and one half per cent. on the amount of change bills, which they had in circulation on the first day of January, eighteen hundred and eighteen, in conformity with the law, that they be and are hereby discharged from all liability which, by construction or otherwise, they may have been deemed subjected to, under the tax law of eighteen hundred

and seventeen, in regard to the tax of thirty-one and one quarter cents imposed by said law on all offices of discount and deposit existing in this state, not chartered by this state, or the United States, who have paid a tax of two and one half per cent. on every hundred dollars they had in circulation on the first day of January, eighteen hundred and eighteen.

In the House
of Represen-
tatives.

Approved, 17th December, 1818.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, 26th November, 1818.

RESOLVED, That his excellency the Governor be requested to appoint a commissioner or commissioners, to join such as may be appointed by the agent of Indian affairs for the Cherokee nation, to have run the line according to the true intent and meaning of the treaty made with the Cherokee nation of Indians, by and between general Andrew Jackson and J. M^cMinn, governor of the state of Tennessee, and general David Meriwether, from the mouth of Soque creek, to such place or point as may meet the true intent of the aforesaid treaty. (No. 239.)

Approved, 9th December, 1818.

IN THE HOUSE OF REPRESENTATIVES,

15th December, 1818.

The joint committee of finance, to whom was referred the message of his excellency the Governor, in regard to a communication made to him by Adam G. Saffold, Esq. solicitor general of the Ocmulgee circuit, in obedience to a resolution of the last legislature, Report:

That they have had the same under consideration, and after having fully and deliberately investigated said message and accompanying documents; regret that they cannot arrive at any satisfactory result. Your committee are aware, that the duty assigned said solicitor general must have been laborious and arduous, while by the exercise of the greatest vigilance and the most unremitting attention, it was still impossible that the object contemplated by the last legislature, could be fully completed as stated in the report of the said solicitor general. It is obvious that he could scarcely be able to obtain an accurate account of all the monies received for the state by the late solicitor general, Bedney Franklin, deceased, and by his immediate successor, colonel Seaborn Jones, inasmuch as many of the clerks and sheriffs of the Ocmulgee circuit, since the payment of

In the House
of Represen-
tatives.

money collected by them for fractions, and paid over to the solicitor general, have gone out of office, while others have removed out of the state, and their vouchers for said payments are held by themselves, as private papers, for their own indemnity. It is therefore obvious, that it must be a mere matter of favour, if the present solicitor general, can obtain the inspection of their books to aid him in making out his report; from this short view of the circumstances connected with the report of said solicitor general, your committee are of opinion that greater time should be allowed him for perfecting his report, so as to comply with the intention of the last legislature, and they recommend that the legislature make to the said solicitor general, a liberal allowance for the extraordinary trouble given him by the resolution of the last legislature; and they further recommend, that the said solicitor general of the Ocmulgee circuit, be allowed until the meeting of the next legislature to perfect his return. Your committee, therefore, submit for adoption the following resolutions:

Resolved, That Adam G. Saffold, Esq. solicitor general of the Ocmulgee circuit, be allowed such compensation as his excellency the Governor may think adequate to his services, performed agreeable to a resolution of the last legislature, in ascertaining what sums of money had been received by Bedney Franklin, Esquire, lately solicitor general of the Ocmulgee district, and what sums were received by his immediate successor, colonel Seaborn Jones, which said compensation shall be paid out of the contingent fund.

And be it further resolved, That the said Adam G. Saffold, Esquire, solicitor general aforesaid, be allowed until the next meeting of the legislature of this state, to comply as far as possible, with the requisitions of a resolution passed the 20th December, eighteen hundred and seventeen, in regard to the monies received for the state, by the late colonel Bedney Franklin, and by colonel Seaborn Jones, formerly solicitor general of the Ocmulgee circuit.

Approved, 18th December, 1818.

IN THE HOUSE OF REPRESENTATIVES,
16th December, 1818.

(No. 241.) The joint committee on finance, to whom was referred the petition of Abner Locket, have performed the duty assigned them. Your committee are of opinion, that the prayer of the petitioner is reasonable, and ought to be granted; they therefore recommend the following resolution be adopted, to wit:

Resolved, That the sum of eighty dollars be appropriated to Abner Locket, as full compensation for a mare lost in an expedition against the Oakfuskee Indians, under the command of general David Adams, as colonel commandant of said expedition.

In the House
of Represen-
tatives.

Approved, 19th December, 1818.

IN THE HOUSE OF REPRESENTATIVES,
17th December, 1818.

RESOLVED, That the collectors of the respective counties in this state, in which the (No. 242.) issuers of change-bills reside, or may have resided at the time of issuing, be, and they are hereby required to make diligent inquiry, in order to ascertain the defaulters for eighteen hundred and sixteen and eighteen hundred and seventeen, who may fail to comply with the requisitions of the laws of this state, on that subject; and that they take the legal steps, after the first day of January next, to collect in time the penalty of five hundred dollars, as prescribed by the laws now in force in this state.

And be it further resolved, That the collectors in this state, for the year eighteen hundred and eighteen, be, and they are hereby required to comply with the requisitions of the above resolution; and the proper authority is hereby required to retain the bonds of the collectors for the year aforesaid, until they have discharged the requisitions of the above resolution.

And be it further resolved, That his excellency the Governor be, and he is hereby requested, to have the foregoing resolutions published in one or more of the public newspapers of this state.

Approved, 19th December, 1818.

IN THE HOUSE OF REPRESENTATIVES,
18th December, 1818.

The joint committee to whom was referred the investigation of the proceedings of (No. 243.) the commissioners of the Oconee river,

REPORT, That from the pressure of other business, and the nature of the documents laid before them, they have not found it practicable to do that justice to the subject which its importance deserves; they however recommend the following resolutions:

In the House
of Represen-
tatives.

Resolved, That all commissioners, or other persons, into whose hands public money is or may be placed for any purpose, be required to keep regular and sufficient vouchers for every expenditure; that such vouchers, with all bills of sale, or other titles to property purchased for the state, be deposited in the executive office; that when such property is used or employed for profit, the contracts, bills of lading, or other sufficient evidence of such profitable employment, be also furnished, and that all such documents be kept in readiness for the examination of any committee appointed by the legislature for that purpose.

Resolved, That it is our opinion that a standing committee should be annually appointed to examine all such accounts and documents.

Resolved, That the appointment of all such persons or commissioners should expire once a year, unless otherwise especially provided by law.

Resolved, That John Howard, Z. Lamar, D. Blackshear, R. Blount, T. Moore, James Alston, J. Robertson, J. Lucas, Williams Rutherford, Francis Jeter, Farish Carter and Thomas Ford, be, and they are hereby appointed commissioners of the Oconee Navigation Association, for the year eighteen hundred and nineteen, and until successors to their appointments are regularly appointed.

Approved, 19th December, 1818.

RESOLUTIONS,

WHICH ORIGINATED IN SENATE IN 1819.

IN SENATE, 30th November, 1819.

WHEREAS, his excellency the late Governor Rabun, in conformity to the provisions of a resolution, approved the 19th December, 1818, authorized a draft on the militia of the state of Georgia, to escort commissioners appointed in conformity to the provisions of said resolution, to ascertain the true head of the St. Mary's river, and report thereon: And whereas, no provision has hitherto been made to pay the officers and privates detailed from said militia for said service :

In Senate.

(No. 244.)

Be it therefore resolved, That his excellency the Governor of said state be, and he is hereby directed to pay, out of the contingent fund, to the order of the paymaster of the regiment on which such draft was made, a sum of money, which shall be equal to the claims of the officers and privates detailed as aforesaid ; to be exhibited in pay rolls duly attested, including subsistence conformable to the arrangement of the commissioners aforesaid ; and that the Governor do also pay to the order of major general John Floyd, any and all claims on accounts examined, approved and certified by him, on charges and expenditures incurred by and resulting from a discharge of the duties imposed on the commissioners aforesaid.

And be it further resolved, That the said paymaster do pay the money by him so received, to the persons and purposes aforesaid, according to the rules and regulations in such cases by law provided.

Approved, 13th December, 1819.

IN SENATE, 4th December, 1819.

The joint committee on finance, to whom was referred a resolution from senate in regard to the treasurer's executions issued against John Cooper, late tax-collector for

In Senate. M^cIntosh county, and George White and James Mulryne, as his securities, for the years 1803, 1804 and 1805, beg leave to

REPORT, That they have investigated the subject, and have endeavoured to procure the necessary information relating thereto, as well from the treasurer's books and papers, as from personal explanations given by that officer, and discover that the executions for the years aforesaid have been issued ; but; from what appears on the books of the treasurer, have never been returned to that department, either satisfied or unsatisfied. Your committee further beg leave to report, that, on a further examination of the treasurer's books, that an execution issued from that department against said John Cooper, and James Pelot and George White, as securities, as a defaulting tax-collector, on the 12th April, 1813, for the tax due in the year 1807, and another execution issued for the tax of 1808, against the said John Cooper, George White and Bright Baker ; that the two last executions were issued from the treasurer's department, after the death of the said John Cooper, and that subsequently the treasurer issued his executions against the securities for the last mentioned years, which have not been returned to that officer satisfied. Your committee therefore recommend the following resolution :

Resolved, That the solicitor general of the eastern district be directed to ascertain whether the executions issued by the treasurer against John Cooper, George White and James Mulryne, for the default of the said John Cooper, as tax-collector of M^cIntosh county for the years 1803, 1804 and 1805, have been collected, and if collected, by what sheriff, and if not collected, who has possession of the same, and what is the situation of the parties ; and that the said solicitor general be directed to inquire who has possession of the execution issued by the treasurer against James Pelot and George White as securities of the said John Cooper, as a defaulting collector for said county, for the year 1807 ; and another execution issued from said department for the default of said John Cooper, as tax-collector aforesaid, against George White and Bright Baker, as his securities for the year 1808. And that the said solicitor general be further requested to take such measures as he may deem proper for the collection of said several executions, and report to the treasurer his actings and doings thereon ; and if the solicitor general shall be of opinion, after such examination had, that it is advisable, the treasurer is hereby authorized and required to issue a new execution or executions accordingly, without delay.

Approved, 18th December, 1819.

In Senate.

IN SENATE, 10th December, 1819.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That his excellency the Governor be, and he is hereby authorized and required to cause the intendant and officers of the corporation of the town of Milledgeville, within six months from the passing of this resolution, to make out a full and accurate account of all the lots of land that the General Assembly has vested in the corporation, and also all such as they have authorized them, or any of them, to sell, the amount of sales, the number of lots that they have heretofore been authorized to lease, and who was the leasor, the amount of money received, due or to become due for the lots leased, and the rent of all the cleared land that they have been authorized to rent, and generally the receipts and expenditures of all and singular the property and money received and arising from such as has accrued from or upon the said property, to the benefit of the said corporation, and all other measures that he may deem expedient for the furtherance of justice in the premises, and that he report thereon to the next General Assembly.

Approved, 18th December, 1819.

IN SENATE, 29th November, 1819.

RESOLVED, That his excellency the Governor be requested to furnish information to this legislature, on the subject of a contract made between the state of Georgia and the steam-boat company, for certain shares of steam-boat stock, the number of shares, the amount of purchase, the monies paid, the dividend received, the terms of the contract, together with such other circumstances as he may deem important to communicate.

Approved, 9th December, 1819.

IN SENATE, 16th November, 1819.

Resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the following persons be, and they are hereby appointed commissioners to superintend the improvements of the navigation of Savannah river, between the city of Augusta and town of Petersburg, that is to say: William Jones, (of Little River) in the place of Marshall Keith resigned, Thomas H. Penn, in the place of Henry Shultz resigned. *And be it further resolved,* That Mark Anthony and Dredziel Pace, sen. be added to the said board of commissioners.

Approved, 25th November, 1819.

In Senate.

IN SENATE, November 29th, 1819.

- (No. 249.) **RESOLVED**, That his excellency the Governor be requested to forward to the Inferior Courts of the counties of Early, Irwin and Appling, copies of the laws of this state, from the year 1811 to the year 1818, inclusive, together with Marbury and Crawford, and Clayton's Digests : *Provided*, a sufficient number of copies of said laws remain subject to such disposition.

Approved, December 13, 1819.

IN SENATE, 19th November, 1819.

- (No. 250.) The committee of conference to whom was referred the report of the joint committee, appointed to contract for printing the laws, journals, &c. of the present session of the General Assembly, beg leave to Report—That they have had the subject matter of disagreement under consideration, and recommend the following resolution in place of the original report, to wit :

Resolved, That Messrs. Camak & Hines be, and they are hereby appointed printers for the state, and that they be allowed $2\frac{1}{4}$ cents per sheet for printing the journals, and $2\frac{1}{8}$ cents per sheet for printing the laws and resolutions, of the present session of the legislature ; and that his excellency the Governor be, and he is hereby required to take a bond of Camak & Hines, in a sufficient penal sum, to do said printing in a manner not inferior to the style in which it has been heretofore done by the Messrs. Grantlands, and ready for delivery, the laws and resolutions by the 1st of February next, and the journals by the first day of March next.

Approved, 27th November, 1819.

IN SENATE, 15th November, 1819.

- (No. 251.) **RESOLVED**, That his excellency the Governor be, and he is hereby authorized to have furnished, and forwarded to the respective clerks of the Inferior Courts of the counties of Walton, Gwinnett, Hall and Habersham, a sufficient number of Crawford's & Marbury's, and Clayton's Digests ; also the Acts of the General Assembly, from the year 1811 until the year 1819, inclusive ; to be distributed agreeably to the law making provision in those cases for the laws and journals of this state : *Provided*, there are such remaining on hand ; and one copy of the law of executors and administrators, for the use of the Inferior Court of each county.

Approved, 25th November, 1819.

In Senate.

IN SENATE, 10th December, 1819.

The joint military committee, to whom was referred a communication from his excellency the Governor, covering a letter addressed from Thomas M. Bradford, have the honour to (No. 252.)

REPORT, That whereas, satisfactory evidence has been submitted to your committee, of the existence of a contract heretofore entered into by and between the late Governor Rabun, on the part of the state of Georgia, and Thomas M. Bradford, in which it is stipulated that the said Thomas M. Bradford should deliver, to the Governor of said state, five hundred copies of Scott's Military Discipline, neatly bound and printed, at the price of two dollars and seventy-five cents per volume : and your committee having had submitted to their examination one volume thereof as a specimen of the whole, beg leave to recommend to his excellency the acceptance of the said five hundred copies, they corresponding particularly with the sample submitted to your committee. Your committee also recommend the adoption of the following resolution :

Resolved, That his excellency the Governor of said state be, and he is hereby authorized and required, to pay unto Thomas M. Bradford the sum of thirteen hundred and seventy-five dollars, out of any monies in the treasury not otherwise appropriated, for and in consideration of five hundred copies of Scott's Military Discipline, neatly bound and printed, to be examined and approved of by his excellency, according to a verbal contract entered into by and between the late Governor Rabun, on the part of said state, and the said Thomas M. Bradford.

Approved, 20th December, 1819.

IN SENATE, 27th November, 1819.

RESOLVED, That his excellency the Governor of the state of Georgia, be requested (No. 253.) to enter into a correspondence with his excellency the Governor of the state of South Carolina, for the purpose of procuring a speedy co-operation of the two states in improving the navigation of the Savannah river.

Approved, 13th December, 1819.

IN SENATE, 8th December, 1819.

RESOLVED, That John Cauper, senior, William W. Hazzard, Edmond Mathews, (No. 254.) John Burnett and Bernard Nicalau, of the county of Glynn, be, and they are hereby ap-

In Senate. pointed commissioners to investigate and inquire into the legality of the late sales of the town lots in Brunswick and Frederica, in the county of Glynn, and make a due report to the next legislature.

Approved, 18th December, 1819.

IN SENATE, 4th December, 1819.

(No. 255.) RESOLVED, As the sense of this legislature, that the sum of two thousand dollars be appropriated for erecting an edifice for the grammar school of Franklin University.

Approved, 18th December, 1819.

IN SENATE, 13th December, 1819.

(No. 256.) RESOLVED, That Nathan Crawford, William Magruder, Gasaway Davis, Isaac Bryan, and Juriah Harris be, and they are hereby appointed commissioners of the Columbia County Academy, in addition to those heretofore appointed, residing in the county and choosing to act as such; and a majority of the commissioners, whenever convened, shall be competent to proceed to business, and are clothed with all the power and authority that was given to the original (and any subsequent) commissioners appointed for said academy.

Approved, 18th December, 1819.

IN SENATE, 15th December, 1819.

(No. 257.) RESOLVED, That his excellency the Governor be, and he is hereby requested to transmit to our senators and representatives in Congress, a copy of an act, passed on the nineteenth day of December, eighteen hundred and eighteen, entitled an act to grant certain powers to the commissioners of pilotage for the port of Darien, and to authorize them to collect a tonnage duty on vessels, with a request that they would endeavour to get an act of Congress passed to carry the said act into effect.

Approved, 18th December, 1819.

IN SENATE, November —, 1819.

(No. 258.) RESOLVED, That the sum of two hundred dollars be paid to the former judge of the western circuit, and the sum of fifty dollars be paid to the solicitor of the western circuit,

as a compensation for their services in holding courts in the counties of Walton, In Senate.
Gwinnett, Hall and Habersham.

And be it further resolved, That the same be placed in the appropriation law for the present year, and be drawn accordingly.

Approved, 6th December, 1819.

IN SENATE, 10th December, 1819.

RESOLVED, That the commissioners of the town of Milledgeville do lease to Mary (No. 259.) Knight, three acres of land out of the town commons, adjoining the lot she now lives on, for the term of seven years.

Approved, 18th December, 1819.

IN SENATE, 11th December, 1819.

RESOLVED, That his excellency the Governor be, and he is hereby authorized and re- (No. 260.)
quested to have recorded in the surveyor general's office of this state, the maps of the lines as run, dividing this state and the states of Tennessee and North Carolina, with the certificates thereunto annexed, and pay for the same out of the contingent fund.

Approved, 18th December, 1819.

IN SENATE, 7th December, 1819.

The joint committee to whom was referred a resolution, originating in the house of (No. 261.)
representatives, relative to the state of the arsenal and magazine,

REPORT, That they have inspected the arsenal and magazine, and as far the circumstances of the examination would permit them to discover, they have found the annexed return in every respect correct. They further report, that the arms and other articles were in good order, and bore every appearance of proper attention to their preservation having been paid to them.

The committee cannot but declare, that they would have been much better satisfied with the arrangements of the store-keeper, if the arms had been separated and placed apart, according to their *peculiar manufacture*. Instead of this, *English, French, and American* arms were indiscriminately mixed; a circumstance which, from the differ-

In Senate. ence of their calibres, might be productive of the most disastrous consequences, were an unexpected and sudden call for arms made upon the executive.

Approved, 18th December, 1819.

IN SENATE, 15th December, 1819.

(No. 262.) The joint committee of finance, to whom was referred the message of his excellency the Governor, in regard to a communication made to him by Adam G. Saffold, Esq. solicitor general of the Ocmulgee circuit, in obedience to a resolution of last year, and the year 1817, recommend the following resolution :

Resolved, That Adam G. Saffold, Esq. solicitor general of the Ocmulgee circuit, be allowed until the meeting of the next General Assembly to perfect his return, and close the account of the late Bedney Franklin, Esq. deceased, and Col. Seaborn Jones, showing the amounts received and paid into the treasury by each of them, and what he has received and paid over, and what appears to be the amount uncollected on bond and judgment, and also the probable prospect of its collection.

Approved, 18th December, 1819.

IN SENATE, 16th December, 1819.

(No. 263.) RESOLVED, That Michael Shelman and William N. Harman be, and they are hereby appointed commissioners, to join such as have heretofore been appointed to carry into effect the opening of Schedeway Narrows, near the mouth of Ogechee.

Approved, 20th December, 1819.

IN SENATE, November 19th, 1819.

(No. 264.) The joint committee on finance, to whom was referred the petition of Joseph Attaway, beg leave to Report, that they have had said petition under consideration, and after a due investigation of the subject, are of opinion, that so much of the tax of 1817, as accrued after the 24th February, should be remitted. The committee therefore recommend the adoption of the following resolution :

Resolved, That the sum of eighty-three dollars and thirty-four cents be returned to Joseph Attaway, being the sum overpaid into the treasury, for the tax of the year 1817,

for two billiard tables, and that the same be provided for in the appropriation act of the In Senate.
present session.

Approved, 27th November, 1819.

IN SENATE, 10th November, 1819.

The committee to whom was referred the petition and affidavit, relative to the claims of (No. 265.) the widow and orphans of John Lyon, late of Elbert county, deceased, have the honour to Report, that they have had the same under consideration, and are opinion, that the said Martha Lyon, with her orphan children, (as the widow and children of John Lyon, who died on his return march from the prosecution of the war against the Seminole Indians, of disease contracted in the service of his country,) are entitled to the sums (or similar sums) which have been given by the legislature to others heretofore placed, by the fate of war, in like circumstances. Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That the sum of ten dollars each, be appropriated to and for the relief of Martha Lyon and her nine orphan children, to be paid by his excellency the Governor to the order of the said Martha Lyon, and that the said appropriation be incorporated in the general appropriation act of this session.

Approved, 23d November, 1819.

IN SENATE, 6th November, 1819.

RESOLVED, That Barnard C. Heard, of the county of Elbert, be, and he is hereby (No. 266.) appointed a commissioner, to superintend the improvement of the navigation of that part of the Savannah river, from the town of Petersburg, in said county, to the town of Andersonville, at the confluence of the Tugalo and Seneca rivers, in lieu of Samuel Rembert, who refuses to act; and that Robert Hackett be, and he is hereby appointed a commissioner, to superintend the improvement of the navigation of the Tugalo river, from the confluence of said river and Seneca river to the mouth of Panther creek, on said Tugalo river, in lieu of Robert Barton, who refuses to act.

Approved, 23d November, 1819.

In Senate.

IN SENATE, 19th November, 1819.

- (No. 267.) WHEREAS, It is expedient that the several members of the General Assembly should be well acquainted with the finances of this state, in order to enable him to husband the funds of the same ; therefore the joint committee on finance recommend the adoption of the following resolution :

Resolved, That the joint committee appointed to contract with a printer for printing the laws and journals of the present session, be requested to contract with a printer to print, without delay, as many copies of the treasurer's abstract as will furnish each member of this legislature with two copies.

Approved, 27th November, 1819.

IN SENATE, 24th November, 1819.

- (No. 268.) WHEREAS, The late acquired territory, under the treaty of the honourable J. C. Calhoun, held at the city of Washington in the present year, it appears that the river Chestatee forms the southern boundary, and the line run under the superintendence of Mr. Lumpkin, from the head or main source of the Chestatee to the Unaca road, form part of the north-western boundary, from thence the Blue Ridge for the balance of said boundary between the Cherokee Indians and this state ; it therefore becomes necessary that there should be a line run, and plainly marked, on the summit of said ridge, meandering through the same, until the line so run intersects the line run by Col. James Blair in March last, which line, when so run, shall form the north-western boundary of the territory before mentioned.

It is therefore resolved, That his excellency the Governor be, and he is hereby fully authorized and empowered to appoint a commissioner, surveyor, and such number of chain and axe-men as he may deem necessary, to proceed to the point of Unica road, where the line terminates, which was run under the superintendence of the honourable Wilson Lumpkin ; and the commissioner so appointed shall, under his superintendence, have said line run, and plainly marked, on the top of the Blue Ridge, meandering the same, until it intersects the line commonly called Blair's line.

And be it further resolved, That the commissioner, surveyor, and axe and chain-men so appointed by his excellency the Governor, shall be entitled to receive for their services the same compensation as has been allowed on former business of this kind ; and that his excellency the Governor be, and he is hereby authorized to draw upon the con-

tingent fund for any sum that may be found necessary to defray the expenses of this service. In Senate.

Approved, 6th December, 1819.

IN SENATE, 17th December, 1819.

The committee on public education and free schools, Report—That it being ascertained that only a small proportion of the free school fund has been made active, it is evidently altogether impracticable, at this moment, to put in operation the free school institution. It therefore only remains to recommend to the consideration of succeeding legislatures, and of the citizens of this state, the system best adapted to the circumstances of the country. That most suitable system appears to your committee to be the system of South Carolina. As the impracticability of giving effect to the institution results from the reserved fund not having been active, it is recommended that the executive be advised of the expediency of vesting the fund, as speedily as advantageously can be done, in some profitable stock. Your committee therefore submit the following resolutions:

Resolved, That the law of the state of South Carolina establishing free schools in that state, be published in one of the public gazettes of this state for the consideration of its citizens.

Resolved, That his excellency the Governor be requested to carry into effect, as speedily as advantageously can be done, the second section of an act passed 18th December, 1817, entitled An act to create and establish a fund for the support of free schools throughout this state, and also to vest in profitable stock, such sums as may have accrued on interest, or may hereafter accrue from stock belonging to this fund.

Approved, 20th December, 1819.

IN SENATE, 17th December, 1819.

The joint committee to whom was referred the letter of Seaton Grantland, Esq. proposing to furnish the state with the "Georgia Justice," for the use of justices of the Inferior Court, justices of the peace, and clerks of the court of ordinary, recommend the following resolutions:

Resolved, That his excellency the Governor be authorized to receive from Seaton Grantland, Esq. five hundred copies of the Georgia Justice, and that he cause the same

In Senate.

to be distributed without delay, as follows ; one to each member of the Inferior Court of this state ; one copy to each captain's district, for the use of the justices of said district, and one copy to each clerk of the court of ordinary ; and that upon the death, removal or resignation of said officers, or any of them, said books to be for the use of their successors.

Resolved further, That his excellency the Governor pay for said books at and after the rate of four dollars and seventy-five cents per copy, by warrant upon the contingent fund.

Approved, 20th December, 1819.

RESOLUTIONS,

WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES IN 1819.

HOUSE OF REPRESENTATIVES,

Saturday, 11th December, 1819.

In the House
of Represen-
tatives.

To his excellency the President of the United States..

The memorial, remonstrance and protest of the senate and house of representatives of (No. 271.)
the state of Georgia, in General Assembly met.

Your memorialists are impelled, by a sense of duty which they owe themselves and the people of Georgia, again to call the attention of your excellency to a subject in which they consider their best and most permanent interests involved. It has been the unfortunate lot of our state, to be embroiled in the question of "territorial right," almost from the commencement of her existence. The feelings excited by such warmth and succession of contest, have been heightened and aggravated by inconveniences and exposures incident to our frontier situation. To alleviate this condition, to circumscribe our extent of settlement and become more defensible; and finally, to settle the questions of *territory*, limits and boundaries, were the prevailing inducements to the vast relinquishment made by Georgia to the United States, in the articles of agreement and cession of 1802. Abstractedly from these inducements, it will not be contended that other considerations could have produced the effect. The period has now arrived, when, in the opinion of your memorialists, the subject is no longer to be regulated by the rules of policy and convenience, but has assumed the more definite and substantial shape of positive right. It has long been the desire of Georgia, that her settlements should be extended to her ultimate limits; that the soil within her boundaries should be subjected to her control, and that her police, organization and government should be fixed and permanent. For the fulfilment of these desires, we have waited the tide of events, and observed the march of time for seventeen years. Within this period, we have witnessed with much gratification the spread of the Union, and the accession of states and territories, greater in extent than the original confederation. Two of the members of this vast family are the descendants of Georgia; yet Georgia loses her

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of Represen-
tatives.

strength and influence as a member of the Republic, retarded as she is, in her growth and population, and denied the fostering aid of her common parent.

The stipulation contained in the articles of agreement and cession of 1802, is the principal point to which your memorialists would invite your attention. This contract, from the time it was entered into, has been subject to be performed whenever the same could be done on "peaceable and reasonable terms." By the treaty of Fort Jackson, an opportunity was presented to the United States of performing her contract with us, and also to have acquired for herself any extent of territory which she might have thought proper to dictate. It is now ascertained that Georgia obtains by that treaty a tract of country scarcely sufficient to invite our attention thither, or to authorize the process of organization. This treaty having heretofore been made the subject of communication to your excellency, in which the people of Georgia have expressed their opinions and feelings, it only remains for us again to adopt the like sentiments, and repeat our "protest and remonstrance against said treaty, so far as it relates to the extinguishment of Indian title within the limits of Georgia."

In 1817, commissioners acting under the authority of the United States, treated with the Cherokee nation of Indians, some of whom resided within our limits. By this treaty, the interests of Georgia were more regarded, and we believe a plan laid which would have resulted in the speedy extinction of the Indian claim within our limits, and upon terms not only "peaceable" and "reasonable," but convenient and beneficial to the Union. It was already ascertained, that a considerable portion of the Indians had emigrated beyond the Mississippi, and accepted land in exchange for that which they had abandoned. The state of Georgia claims a right to the jurisdiction and soil of the territory within her limits. She admits, however, that the right is *inchoate*, remaining to be perfected by the United States in the extinction of the Indian title; the United States, *pro hac vice*, acting as our agents. The signing of this treaty by authorized agents, and the after ratification, confirmed our title. The cession made by the first article is acknowledged to be absolute in conveying, "for the use of Georgia," the territory which it defines. Tennessee acquires the like title by the second article, and both states acquire a further vested interest in the Cherokee lands within their respective boundaries, proportionate in extent to the number of natives that had or was about to emigrate. The provisions of this treaty were accepted on the part of Georgia; and on such acceptance your memorialists humbly conceive, that her title and her possession were so strongly vested, that without her consent she could not be affected by subsequent negotiation. If a census of the nation had been taken in 1818, in conformity to the provisions of the treaty, Georgia would have come into the immediate and uninterrupted possession of at least one third of that part of her territory originally occu-

pied by Cherokees. How we can be defeated of the interest, and divested of the title which resulted from the treaty, becomes a point of inquiry and of feeling importance.

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of Represen-
tatives.

Your memorialists acknowledge the legality of no measure which seeks thus to defeat or divest them. On the contrary, they insist upon the validity and execution of that contract, in all instances in which it conveys a benefit. But on the face of *this* treaty is contained a feature, against which your memorialists *remonstrate* and *protest*. The grant of reserves in "*fee simple*" to Indians, is an act which your memorialists view as not only violatory of the compact between the United States and Georgia, but an infringement of our rights, and an exposure of our citizens. To the grant of "*fee simple*" title we attach technical definition. One of the consequences of such grant is, power of alienation. Then, in the event of alienation by the reserve, where is the power of the United States to extinguish "for the use of Georgia" the title to such reserve?

Your memorialists beg leave further to call in question the articles of convention between the United States and the Cherokee nation of Indians, concluded on the 27th February, 1819. We consider these articles as furnishing a fair subject for the animadversion of Georgia. They profess to nullify, in a great degree, the provisions of the treaty of 1817, and to set up their own provisions as substituted therefor. As objectionable as the original was, this substitute is the more so. If the grant of reserves in the first furnished grounds of complaint, those in the last are much more offensive; for the possibility of reversion is not retained. Shall we be told that all these measures find their justification in policy, and their apology in benevolence? Shall this treaty be passed upon us in the imposing form of humanity, and we compelled to subserve its views, and pay blind obedience to its commands? We trust that we may be heard; and that if in uttering our complaints we shall speak with an unbecoming boldness, our excuse may be found in the extended catalogue of Indian aggression, and the aggravated series of frontier suffering.

This last treaty purports to be founded upon a sufficient consideration, to amount to a fair equivalent for the interest relinquished. This may be true, and still injustice done. If upon the ratification of the first treaty, no interest had vested in Georgia, or if no party had been connected with the contract except the United States and the Cherokees, it might be granted that the same parties had a right to revise, alter, or even set aside such contract. But situated as we are, we claim to have been benefited, by a positive, vested interest, and we complain of the attempt to defeat that interest by the second treaty. The consideration of this treaty is, in fact, paid by the state of Georgia, and yet she does not receive a fair equivalent. A territory is secured, inconsiderable in point of extent, *more* inconsiderable in point of value, and still more inconsiderable by reason

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of Represent-
atives.

of being mutilated and crippled by the grant of reserves. By this same treaty, the United States acquired for Tennessee, a tract of country great in extent, and still greater in value and importance. The growth and prosperity of a sister state affords gratification to Georgia. We are excited by no jealousies, actuated by no feelings of competition. But when favours are dispensed, we hope to see them administered by the steady hand of impartial justice. Such admeasurement would have afforded us a better interest, and been in furtherance of a solemn contract.

Your memorialists respectfully solicit, that commissioners acting under the authority of the United States, may treat with the Creek and Cherokee nations of Indians, for further cessions of territory for the use of Georgia.

HOUSE OF REPRESENTATIVES,
Saturday, 11th December, 1819.

Resolved, That a copy of this remonstrance be forwarded to the President of the United States, one to the senate of the United States, one to the house of representatives, and one to each of the members of Congress from this state.

Resolved, That the members of Congress from this state be requested to make use of the necessary exertions for carrying into effect the objects of this remonstrance.

Approved, 22d December, 1819.

IN THE HOUSE OF REPRESENTATIVES,
27th November, 1819.

(No. 272.) The joint committee on the state of the Republic, to whom was referred the petition of sundry citizens of Walton county, beg leave to

REPORT, That they have had under their consideration the petition of sundry citizens of what was formerly Walton county, in this state, and the accompanying documents, and are of opinion that it would be unreasonable and improper for the state of Georgia to compensate the said petitioners for their alleged losses of land and other property.

Approved, 14th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

11th November, 1819.

In the House
of Represent-
atives.

WHEREAS, a resolution of the General Assembly of this state was passed and approved the 7th day of December, 1812, appointing David Blackshear and Noah Stringer, Esquires, commissioners for the county of Laurens, in the room of Benjamin Adams and Jethro B. Spivey, resigned; and further appointing Amos Love and Neill Munroe, Esquires, commissioners for the county of Laurens; without defining the duties required of the said Amos Love and Neill Munroe: And whereas the said Amos Love and Neill Munroe have taken upon themselves and performed the duties of commissioners of the court-house and other public buildings for the county of Laurens, under the assurance of the then representation of the said county, that such was the true intent of the said resolution:

Be it therefore resolved, That the appointment of the said Amos Love and Neill Munroe, commissioners for the county of Laurens, by the resolution aforesaid, be received and construed to be commissioners of the court-house and other public buildings for said county, as fully and effectually as though the same had been therein expressly named.

Approved, 23d November, 1819.

IN THE HOUSE OF REPRESENTATIVES,

26th November, 1819.

RESOLVED, That the Governor be authorized to appoint two commissioners, with necessary assistants, to explore the Oquafenoco swamp, and to report to the next legislature the probable quantity, the quality and situation of said swamp; and that his excellency pay the charges that may accrue thereby, out of the contingent fund.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

27th November, 1819.

The joint committee of finance, to whom was referred the petition of Caty Thrift, (No. 275.) beg leave to Report, that they have performed the duty assigned them, and after due investigation of the subject, are of opinion that the prayer of the petitioner is just and reasonable, and ought to be granted. Your committee therefore recommend the adoption of the following resolution:

In the House
of Represen-
tatives.

Resolved, That the sum of forty dollars be appropriated to Caty Thrift, the widow and relict of William Thrift, deceased, and the three orphan children of said Thrift, in conformity to a law passed in favour of the widows and children of the unfortunate and deceased soldiers.

Approved, 14th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

November 27th, 1819.

(No. 276.) The joint committee on the state of the Republic, to whom was referred the communication of his excellency the Governor, of the 26th instant, and documents relating to molestations offered by the Indians to the surveyors now employed in surveying the territory lately acquired of the Creek Indians, recommend the following resolution :

Resolved, That his excellency the Governor be authorized and requested, without delay, to remedy the evils complained of, by the removal of all Indians from the territory now under survey, and that he give facility and protection to the operations of the surveyors, by procuring the aid of the federal troops, if possible—if not, by detachments of militia.

Resolved further, That his excellency the Governor communicate to the agent of Indian affairs for the Creek nation the information received, and the foregoing resolution, requesting that he aid in the removal of said Indians as speedily as possible, and that he use every and all the means within his control, to prevent further interference or molestation.

Approved, 6th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

2d December, 1819.

(No. 277.) The committee appointed to take into consideration the petition of Joseph Cook, after considering the same, are of opinion his prayer is reasonable in part, therefore beg leave to offer the following resolution :

Resolved, That his excellency the Governor be, and he is hereby authorized and requested to pay Joseph Cook the sum of two hundred dollars, out of any money that now is, or may hereafter be in the treasury, not otherwise appropriated ; and that the same be placed in the appropriation law.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

3d December, 1819.

In the House
of Represent-
atives.

RESOLVED, That in consequence of the ill health of Charles Smith and of Daniel F. McNeal, (who were appointed to survey districts during the last session of the legislature,) a farther time of three months from the first day of January next, be granted them for the purpose of accomplishing the objects of their appointments. (No. 278.)

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

11th December, 1819.

The joint committee to whom was referred the consideration of a communication (No. 279.) from the treasurer, relative to the tax act of this state, so far as it affects the Branch Bank of the United States, beg leave, from various considerations, to recommend the adoption of the following resolution, viz :

Resolved, That the law imposing a tax on the chartered banks, and offices of discount and deposit, within this state, do continue in force and operation, but that the treasurer do suspend, for the present, any execution or executions liable to be issued under the same, so far as respects the office of discount and deposit of the Bank of the United States.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

14th December, 1819.

The committee of finance, to whom was referred the communication of James Boze- (No. 280.) man, Esq. comptroller general, with the accompanying documents relative to the petition of Mariah F. Bixby, administratrix of the estate of Nathan Bixby, deceased, of the county of Camden, beg leave to Report, that they have taken the same into consideration, and believe the prayer of the petitioner is reasonable, and ought to be granted; They therefore recommend the adoption of the following resolution :

Resolved, That his excellency the Governor be, and he is hereby authorized to issue his warrant on the treasury in favour of Mariah F. Bixby, administratrix of Nathan Bixby, deceased, late of Camden county, for the sum of thirty-seven dollars and ten

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of Represen-
tatives.

cents, to be paid out of any monies not otherwise appropriated, and that the same be provided for in the appropriation law.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,
14th December, 1819.

- (No. 281.) The committee to whom was referred the communication from the treasurer, relative to the neglect or omission of the Planters' Bank of the state of Georgia, to make a return agreeably to the requisitions of the tax act of this state, recommend the adoption of the following resolution, viz :

Resolved, That the treasurer be authorized to receive the return, under the tax act of this state, of any bank or banks which may not have made their return or returns within the time required by law ; *Provided*, such return be made on or before the last day of January next, and that it should appear to the said treasurer, that the omission or neglect to make such regular return, has not arisen from any spirit of opposition or non-compliance with the law requiring it.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,
13th December, 1819.

- (No. 282.) **RESOLVED**, That his excellency the Governor be authorized to draw upon the contingent fund, for a sum sufficient to provide for the necessary improvements and repairs on the house and lot owned by the state, and occupied by the Governor.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,
13th December, 1819.

- (No. 283.) The joint committee on the state of the Republic, to whom was referred the communication of his excellency the Governor, and accompanying letter from the honourable John Quincy Adams, both upon the subject of claims in behalf of the citizens of Georgia against the Creek and Cherokee Indians, beg leave to recommend the following resolutions :

Resolved, That his excellency the Governor do appoint three fit and proper persons as commissioners on the part of this state, to proceed, under the directions of the President of the United States, to the Creek and Cherokee nations of Indians, and demand satisfaction of all claims in behalf of the citizens of Georgia, for which satisfaction has been promised in the several treaties of Augusta, Galphinton, Shoulder Bone, New-York, Colerain, Hopewell and Holston. And, that said commissioners may be the better enabled to effect the important objects of their mission,

In the House
of Represen-
tatives.

Be it further resolved, That his excellency be requested to procure and furnish said commissioners all the evidence of said claims which can be procured in any of the offices of state; and that he be further requested, if possible, to procure from the President of the United States an authority, that said commissioners, with any others that the President may think proper to appoint, may treat with said tribes of Indians for territory, the consideration to be retained to sufficient extent to satisfy the claims of our citizens.

And be it further resolved, That in the event of failure to procure for said commissioners an authority to treat for territory, that said commissioners insist upon a restoration of all property now in the hands of the Indians, belonging to the citizens of Georgia, and upon an equivalent for all property taken by said Indians from Georgians, which cannot now be found or identified. And that such equivalent may be secured, that the commissioners be directed to insist upon drafts upon the annuities due by the United States to said tribes of Indians.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

13th December, 1819.

RESOLVED, That the sum of seventeen dollars sixty-two and a half cents be appropriated, out of any money in the treasury of this state not otherwise appropriated, to A. Summers, jailor of Twiggs county, for the apprehension and bringing to jail the body of Henry Goff, for horse-stealing in the adjoining unlocated territory, and attending the prosecution and imprisonment of the said Goff, in conformity to an act of the legislature of 1814, as applicable to the commission of criminal acts in the unlocated territory of this state.

Approved, 18th December, 1819.

In the House
of Represen-
tatives.

IN THE HOUSE OF REPRESENTATIVES,
13th. December, 1819.

(No. 285.) The joint committee on internal improvement, having taken into consideration the various documents referred to them, Report—That in the investigation they have made, they have been compelled to remark, that the want of science and experience has been severely felt in almost every attempt which has been made to improve the navigation of our water-courses. We hope, therefore, that the present session of the legislature will not be suffered to pass by; without some attempt being made to call in to our aid the talents and experience of the most enlightened persons on this subject. At the same time, we would remark, that much good appears to have resulted from the efforts of some of our commissioners, and indeed, in a few cases, there appears little to be desired.

We have experienced much difficulty in forming our opinions on the reports we have received. The accounts of work done, and of the obstacles still to be overcome, have been too much in the gross. More detail on these subjects, and on the subject of expenditure, are very essential in reports of this kind.

With regard to the Savannah river, from Augusta down, we have the pleasure of stating, that an efficient use of machinery appears to have been introduced into their system of operations. Much has also been done towards ascertaining the present existing obstacles to the navigation of this river.

From Augusta to Petersburg there appears to have been little done. Some partial surveys, however, appear to have been made, and several ineffectual attempts to procure the counsel and aid of the state of South Carolina.

Skill and industry appear to have been used in the work from Petersburg to Andersonville.

From Andersonville to Panther creek they appear to have done well. They ask no additional appropriation.

On the Altamaha, from Darien to the confluence of the Oconee and Ocmulgee rivers, we have a report of some length, with a request of a further appropriation of money. From our ignorance of the obstacles to be removed, and our uncertainty with regard to the system pursued by the commissioners, we are induced to recommend that a further appropriation be put off till a future day, when a better knowledge of the subject will enable a future legislature to act more effectually with regard to it.

The Oconee river, from its mouth to Holt's ferry, is represented as being in a state of progressive improvement. In the House
of Represent-
atives.

With regard to the survey directed to be made from the Altamaha to Turtle river, we have to remark, that the object intended to be accomplished by this measure appears to us very important. But the survey made does not appear sufficiently accurate to authorize the large appropriation requisite to effect the opening of a canal. And this is the more confirmed, as the commissioners appear in doubt whether the Turtle or Sapelo river affords the best destination for such canal. It may also be desirable to receive from individuals proposals for executing this project in consideration of some certain tolls.

From the Ocmulgee river, we have a report, from which it appears that considerable improvements are going on in that stream. The plan of buying slaves with a part of their capital, appears to have been pursued by the commissioners engaged in this undertaking.

Approved, 22d December, 1819:

IN THE HOUSE OF REPRESENTATIVES,

14th December, 1819.

The joint committee of finance, to whom was referred the petition of William Foard, (No. 286.) having taken said petition into consideration, are of opinion that the branch of government to which he has applied is not the one authorized to grant the sought for relief, beg leave to recommend the adoption of the following resolution :

Resolved, That William Foard be permitted to withdraw his petition and accompanying documents.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

17th December, 1819.

RESOLVED, That his excellency the Governor be, and he is hereby authorized and required, at the earliest practicable time after the returns of the names of persons entitled to draw, in conformity to the act regulating the disposition of the last acquired territory, shall be completely made to the executive office; and previous to the time when the lottery (the drawers in which have already enlisted) shall go into operation, minutely to

In the House
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tatives.

examine, or cause to be examined, the returns from the several counties of this state, of persons entitled to a draw or draws by any law since the passage of the act of the 15th December, 1818, disposing of and distributing the cession of land obtained from the Creek and Cherokee Indians, and to cause all such draw or draws to be placed and arranged to his, her or their name or names, as exhibited upon the first returns.

Approved, 20th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

14th December, 1819.

(No. 288.) The joint committee of finance, to whom was referred the communication of James Bozeman, Esquire, to the house of representatives, relative to the tax collectors who are in default in this state, beg leave to Report—That they have taken the subject matter into consideration, and find that the tax collectors are in arrears to a very considerable amount. This committee view it as an evil in the community, that while the tax collectors of many counties, who feel the strong obligation of duty in the faithful and strict compliance with the conditions of their bonds under the law, so many other public officers of that description seem totally regardless of law, justice and duty. Your committee, in receiving the formidable list of defaulters, are imperiously called by duty to afford that view of the subject which will reflect light thereon, while the equitable principle of equality in taxation is kept in view. While many of the most populous and wealthy counties in this state, through their officers, make returns of their taxes, there are found a goodly number, both of the upper and lower sections of the state, who have been wanting in their duty. Your committee therefore recommend the adoption of the following resolutions, with a special view of enforcing the strictest conformity to the laws now in existence on the subject:

Resolved, That the comptroller general and the treasurer of this state do forthwith issue executions against all defaulting tax collectors within this state, and their securities, and cause the same to be placed in the hands of the sheriffs of the respective counties in which said defaulting tax collectors may reside; and that it shall be the duty of the treasurer to inform the attorney general and the solicitors general in their respective circuits, of the names of such defaulting tax collectors, and their securities, and that executions for the same have been issued, and placed in the hands of the sheriffs of their respective counties for collection.

Resolved, That it shall be the duty of the treasurer to give to the attorney or solicitors general of their respective districts, a list of such defaulting tax collectors, or their securities, against whom treasury executions have issued, and have not been returned

satisfied : And it shall be the duty of said attorney or solicitors general to ascertain and inquire whether the same have been collected, and if collected, by whom, and to take such legal steps for the enforcement of this resolution as he may deem proper.

In the House
of Represen-
tatives.

Resolved, That it shall be the duty of the attorney or solicitors general, as the case may be, to whom said list is furnished by the treasurer, to report to said treasurer, on or before the meeting of the next legislature, the state and condition of each and every execution, and the probability of collecting the same ; and if the amount of any such execution or executions shall be collected by the attorney or solicitor general, he shall, on or before that time, pay the same over to the treasurer.

Resolved, That it shall be the duty of the treasurer to make his report to the next legislature, whether there should be any default with the attorney or solicitors general, in reporting to him in conformity with the provisions herein contained.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

4th December, 1819.

RESOLVED, That his excellency the Governor be, and he is hereby authorized, to appoint two fit and proper persons to meet the same number appointed by Messrs. Bivins & Cook, to ascertain the value of the arsenal built by them for the state ; and that the persons so appointed be authorized and required to take under their consideration the account now rendered by Messrs. Bivins & Cook, as it appears to be enormous in the extreme : The commissioners so appointed to have power to call in a fifth person, in case of their disagreement. And the Governor is hereby authorized to draw his warrant on the treasury for so much of the contingent fund of this state, as may be necessary to close the accounts of Messrs. Bivins & Cook, in conformity with said valuation.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,

13th December, 1819.

The joint committee on the state of the Republic, to whom was referred the report (No. 290.) of the agent of the state in regard to Africans illegally introduced into this state, having examined such report and the accompanying documents, recommend the following resolution :

In the House
of Represen-
tatives.

Resolved, That as far as the said report relates to Africans now under claim in the court of admiralty, that his excellency the Governor cause the case to be prosecuted in the most energetic and efficient manner possible, for the benefit of the state of Georgia; and that as regards the custody of the negroes, he adopt the course which he may deem best calculated for their security, and attended with the least expense.

Resolved further, That in relation to those negroes to which no claim has been put in, his excellency communicate with the counsel employed in the other cases, as to the necessity of said negroes being libelled and condemned previous to any disposition being made thereof; and in case such proceeding be thought necessary, that his excellency cause the same to be instituted without delay.

The committee have examined the account of expenses incurred by the agent in the prosecution of his duty, and find that the same is supported by proper and corresponding vouchers.

Approved, 18th December, 1819.

IN THE HOUSE OF REPRESENTATIVES,
18th December, 1819.

(No. 291.) **RESOLVED**, That his excellency the Governor be, and he is hereby authorized, to settle, out of the contingent fund, the accounts of Dr. William Greene, who was employed as a surveyor by the late Governor Rabun, provided any thing should appear to be due, and that the propriety of said accounts be left to two men selected by the parties; which referees shall have the power of umpirage.

Approved, 20th December, 1819.

END OF THE RESOLUTIONS.

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